



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

January 10, 2018

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Onis "Trey" Glenn, III  
Regional Administrator  
Region 4

TO: E. Scott Pruitt  
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

***FINANCIAL CONFLICTS OF INTEREST***

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any significant financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

## OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1. Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **Blue Ridge Consulting, Inc.** and **STRADA Professional Services, LLC**, or any former client to whom I provided services during the past two years is a party or represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties.

RECUSAL LIST In effect until August 27, 2019	
FORMER EMPLOYERS: Blue Ridge Consulting, Inc. STRADA Professional Services, LLC	
FORMER CLIENTS:  Balch & Bingham, LLP Big Sky Environmental Black Mesa Energy Blue Ridge Partners, LLC Business Council of Alabama Conservatives with Courage Drummond Company	MAP Development, LLC Matrix, LLC Maynard, Cooper & Gale, PC Regional Environmental Solutions STRADA-AECOM Joint Venture Stream Restoration Services Windom-Galliher

## OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

I am advised by OGC/Ethics that Executive Order 13770 defines "former employer" to exclude state or local government entities,<sup>1</sup> and the Office of Government Ethics has determined that the same exclusion applies to the definition of "former client."<sup>2</sup> But as an executive branch

<sup>1</sup> See Exec. Order 13770, Section 2(j), which provides that "'former employer' does not include ... State or local government."

<sup>2</sup> See Office of Government Ethics Legal Advisory 17-02 (February 6, 2017), which states that, "[w]ith respect to Executive Order 13770, ethics officials and employees may continue to rely on OGE's prior guidance regarding Executive Order 13490 to the extent that such guidance addresses language common to both orders," and Office of Government Ethics Legal Advisory DO-09-011 (March 26, 2009), which states that "based on discussions with the White House Counsel's office, OGE has determined that the definition of former client is intended to exclude the same governmental entities as those excluded from the definition of former employer."

employee, I understand that I am also subject to the federal impartiality standards and have a one-year cooling off period with any former client who is a state or local government. Therefore, I will not participate personally and substantially in any particular matter involving specific parties in which **the Birmingham Jefferson County Transit Authority (BJCTA)** or **the City of Birmingham, Alabama** is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). For federal ethics purposes, I understand that my recusal remains in effect for one year from the date that I last provided services to that client, and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking. My recusal will end with regard to the city of Birmingham and BJCTA on March 8, 2018 and August 29, 2018 respectively. I will consult with OGC/Ethics should a situation arise in which I seek an impartiality determination to authorize my participation in a specific party matter involving the Birmingham Jefferson County Transit Authority or the City of Birmingham.

#### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Blake Ashbee, Region 4 Chief of Staff, to assist in screening EPA matters directed to my attention that involve these entities. All inquiries and comments involving the entities on my recusal list should be directed to Blake Ashbee without my knowledge or involvement until after my recusal period ends.

If Blake Ashbee determines that a particular matter will directly involve any of the entities listed on my "specific party" recusal list, then he/she will refer it for action or assignment to another, without my knowledge or involvement. In the event that he/she is unsure whether an issue is a particular matter from which I am recused, then he/she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

#### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my recusal or screening arrangement, I will provide a copy of the revised recusal statement to you and OGC, including OGC/Ethics.

cc: Ryan Jackson, Chief of Staff  
V. Anne Heard, Deputy Regional Administrator, Region 4  
Blake Ashbee, Chief of Staff, Region 4  
Suzanne Rubini, Acting Regional Counsel, Region 4  
Leif Palmer, Acting Deputy Regional Counsel, Region 4  
John Sheesly, Regional Ethics Counsel, Region 4  
Justina Fugh, Senior Counsel for Ethics

Michael Hansen, Executive Director Gasp  
Cindy Lowry, Alabama Rivers Alliance  
Charles Scribner, Black Warrior Riverkeeper  
Myra Crawford, Cahaba Riverkeeper  
Michael Mullen, Choctawhatchee Riverkeeper  
David Ludder, Environmental Defense Alliance

SUBJ: 35<sup>th</sup> Avenue Superfund Site

Dear Sirs and Madams:

I am writing to respond to your correspondence dated July 23, 2018, wherein you requested my indefinite recusal from any, and all, matters relating to Balch & Bingham, Drummond Company, ABC Coke and any other party with whom I have done any business relating to the 35<sup>th</sup> Avenue and Pinson Valley Neighborhood sites (e.g., Matrix, LLC, STRADA Professional Services).

Let me assure you that I take and continue to take ethics matters very seriously. Even prior to becoming the Regional Administrator, I had discussions with Agency ethics officials in Washington, DC about my ethics obligations under the federal ethics laws and regulations and Executive Order 13770. On January 10, 2018, I signed a recusal statement that documented my obligations. In that statement, I recused myself from participating in specific party matters involving my previous employer and clients, including STRADA Professional Services, LLC, Balch & Bingham, LLP, Drummond Company and Matrix, LLC, for a period of two years, ending August 27, 2019. Since signing my recusal statement, I have continued to seek the advice of Region 4 and Office of General Counsel ethics officials regarding my ethics obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge.

As noted in your letter, I was recently called upon to testify in my personal capacity in a criminal proceeding regarding the 35<sup>th</sup> Avenue and Pinson Valley Neighborhood Sites. In light of these changed circumstances, and in consultation with Agency ethics officials, I decided to recuse myself for the entirety of my EPA tenure from participating personally and substantially in any activity relating to the Pinson Valley and 35<sup>th</sup> Avenue Sites. This recusal will be reflected in an updated recusal statement that will be executed when my existing statement expires. My existing recusal statement already effectively prohibits me from participating in these matters.

My ethics responsibilities are of paramount importance to me, and during my tenure with EPA I will continue to consult with Agency ethics officials regarding the performance of my duties.

Sincerely,

Onis "Trey" Glenn  
Regional Administrator



Michael Hansen, Executive Director Gasp  
Cindy Lowry, Alabama Rivers Alliance  
Charles Scribner, Black Warrior Riverkeeper  
Myra Crawford, Cahaba Riverkeeper  
Michael Mullen, Choctawhatchee Riverkeeper  
David Ludder, Environmental Defense Alliance

SUBJ: 35<sup>th</sup> Avenue Superfund Site

Dear Sirs and Madams:

I am writing to respond to your correspondence dated July 23, 2018, wherein you requested my indefinite recusal from any, and all matters relating to Balch & Bingham, Drummond Company, ABC Coke and any other party with whom I have done any business relating to the 35<sup>th</sup> Avenue and Pinson Valley Neighborhood sites (e.g., Matrix, LLC, STRADA Professional Services).

On January 10, 2018, I signed a recusal statement in which I recused myself from participating in matters involving my past employers, including but not limited to STRADA Professional Services, LLC, and my former clients, including but not limited to Balch & Bingham, LLP, Drummond Company and Matrix, LLC, for a period of two years, ending August 27, 2019. Since signing my recusal statement, I have continued to seek the advice of Region 4 and Office of General Counsel ethics officials regarding my ethics obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge.

As noted in your letter, I was recently called upon to testify in my personal capacity in a criminal proceeding regarding the 35<sup>th</sup> Avenue Superfund Site and the Pinson Valley Neighborhood Site (collectively, the "Sites"). In light of this change in circumstances, and in consultation with Agency ethics officials, I have determined that I am obligated to permanently recuse myself from participating personally and substantially in any activity relating to the Sites. This permanent recusal will be reflected in an updated recusal statement which will be issued upon the expiration of my existing statement (as my existing statement effectively prohibits me from participating in matters related to the Sites.)

Rest assured that I take my ethics responsibilities extremely seriously, and I will continue to consult with Agency ethics officials regarding the performance of my duties.

Sincerely,

Onis "Trey" Glenn  
Regional Administrator

Michael Hansen, Executive Director Gasp  
Cindy Lowry, Alabama Rivers Alliance  
Charles Scribner, Black Warrior Riverkeeper  
Myra Crawford, Cahaba Riverkeeper  
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On January 10, 2018, I signed a recusal statement in which I recused myself from participating in matters involving my past employers and clients, including STRADA Professional Services, LLC, Balch & Bingham, LLP, Drummond Company and Matrix, LLC, for a period of two years, ending August 27, 2019. Since signing my recusal statement, I have continued to seek the advice of Region 4 and Office of General Counsel ethics officials regarding my ethics obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge.

As noted in your letter, I was recently called upon to testify in my personal capacity in a criminal proceeding regarding the 35<sup>th</sup> Avenue and Pinson Valley Neighborhood Superfund Sites. In light of this change in circumstances, and in consultation with Agency ethics officials, I have ~~determined~~ decided to permanently recuse myself from participating personally and substantially in any activity relating to the Pinson Valley and 35<sup>th</sup> Avenue Sites. This recusal will be reflected in an updated recusal statement which will be executed when my existing statement expires. My existing recusal statement already effectively prohibits me from participating in those matters

Rest assured that I take my ethics responsibilities extremely seriously, and I will continue to consult with Agency ethics officials regarding the performance of my duties.

Sincerely,

Onis "Trey" Glenn  
Regional Administrator

**Cody, Karen**

**From:** Palmer, Leif  
**Sent:** Thursday, January 11, 2018 2:15 PM  
**To:** Sheesley, John; Benjamin, Deborah  
**Subject:** Fwd: Trey Glenn's (Region 4's Administrator) Recusal Statement  
**Attachments:** Trey Glenn's Recusal Statement.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Hudson, Wanda" <[Hudson.Wanda@epa.gov](mailto:Hudson.Wanda@epa.gov)>  
**Date:** January 10, 2018 at 12:19:25 PM EST  
**To:** "Pruitt, Scott" <[Pruitt.Scott@epa.gov](mailto:Pruitt.Scott@epa.gov)>  
**Cc:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>, "Heard, Anne" <[Heard.Anne@epa.gov](mailto:Heard.Anne@epa.gov)>, "Ashbee, Blake" <[ashbee.blake@epa.gov](mailto:ashbee.blake@epa.gov)>, "Rubini, Suzanne" <[Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)>, "Palmer, Leif" <[Palmer.Leif@epa.gov](mailto:Palmer.Leif@epa.gov)>, "Fugh, Justina" <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Trey Glenn's (Region 4's Administrator) Recusal Statement

Please see attached document.  
Thank you  
Wanda E. Hudson  
Office of Government Relations  
Office of the Regional Administrator  
(404) 562-9351




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

January 10, 2018

**MEMORANDUM**

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FORMER CLIENTS:  Balch & Bingham, LLP Big Sky Environmental Black Mesa Energy Blue Ridge Partners, LLC Business Council of Alabama Conservatives with Courage Drummond Company	MAP Development, LLC Matrix, LLC Maynard, Cooper & Gale, PC Regional Environmental Solutions STRADA-AECOM Joint Venture Stream Restoration Services Windom-Galliher

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#### *UPDATE AS NECESSARY*

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cc: Ryan Jackson, Chief of Staff  
V. Anne Heard, Deputy Regional Administrator, Region 4  
Blake Ashbee, Chief of Staff, Region 4  
Suzanne Rubini, Acting Regional Counsel, Region 4  
Leif Palmer, Acting Deputy Regional Counsel, Region 4  
John Sheesly, Regional Ethics Counsel, Region 4  
Justina Fugh, Senior Counsel for Ethics

**Cody, Karen**

**From:** Sheesley, John  
**Sent:** Monday, February 26, 2018 5:42 PM  
**To:** Benjamin, Deborah  
**Cc:** Palmer, Leif  
**Subject:** RE: Mother Jones magazine query: Trey Glenn & 35th Ave

Thanks, Deborah. I've put a response in Larry's OneDrive document.

**From:** Benjamin, Deborah  
**Sent:** Monday, February 26, 2018 2:12 PM  
**To:** Sheesley, John  
**Cc:** Palmer, Leif  
**Subject:** FW: Mother Jones magazine query: Trey Glenn & 35th Ave

John:

Please see question #2 below. Pursuant to Trey's recusal memo dated 1/10/18, he is recused for a period of two years from particular party matters involving his former employers Blue Ridge Consulting, and STRADA Professional Services, and former clients of those entities including Balch & Bingham and Drummond Co.

**From:** Rubini, Suzanne  
**Sent:** Monday, February 26, 2018 12:42 PM  
**To:** Lincoln, Larry <[Lincoln.Larry@epa.gov](mailto:Lincoln.Larry@epa.gov)>; Ashbee, Blake <[ashbee.blake@epa.gov](mailto:ashbee.blake@epa.gov)>; Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>; Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>; Sheesley, John <[Sheesley.John@epa.gov](mailto:Sheesley.John@epa.gov)>  
**Cc:** Pinkney, James <[Pinkney.James@epa.gov](mailto:Pinkney.James@epa.gov)>  
**Subject:** RE: Mother Jones magazine query: Trey Glenn & 35th Ave

(b)(5)



Thanks,  
Suzanne

**From:** Lincoln, Larry  
**Sent:** Monday, February 26, 2018 12:12 PM  
**To:** Ashbee, Blake <[ashbee.blake@epa.gov](mailto:ashbee.blake@epa.gov)>; Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>; Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>; Sheesley, John <[Sheesley.John@epa.gov](mailto:Sheesley.John@epa.gov)>; Rubini, Suzanne <[Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)>  
**Cc:** Pinkney, James <[Pinkney.James@epa.gov](mailto:Pinkney.James@epa.gov)>  
**Subject:** Mother Jones magazine query: Trey Glenn & 35th Ave  
**Importance:** High

All,

Please see media inquiry below from Mother Jones magazine, a national environmentally-focused investigative magazine. The requested deadline is COB tomorrow. Please see the areas below indicating who should provide information. You should receive a link to a One Drive folder momentarily to provide/review draft responses.

Once we have a draft regional response, we'll need to send to HQ for vetting prior to response.

Thanks,

*Larry*

Director  
Office of External Affairs  
U.S. Environmental Protection Agency, Region 4  
Phone: (404) 562-8304  
Email: [lincoln.larry@epa.gov](mailto:lincoln.larry@epa.gov)  
<https://www.epa.gov/aboutepa/about-epa-region-4-southeast>  
Follow Region 4 on Twitter: [www.twitter.com/EPASoutheast](https://www.twitter.com/EPASoutheast)  
And Facebook: [www.facebook.com/eparegion4](https://www.facebook.com/eparegion4)

From: Nick Schwellenbach [<mailto:nick@pogo.org>]  
Sent: Monday, February 26, 2018 11:00 AM  
To: Lincoln, Larry <[Lincoln.Larry@epa.gov](mailto:Lincoln.Larry@epa.gov)>; Pinkney, James <[Pinkney.James@epa.gov](mailto:Pinkney.James@epa.gov)>  
Cc: Russ Choma <[rchoma@motherjones.com](mailto:rchoma@motherjones.com)>  
Subject: Mother Jones magazine query: Trey Glenn & 35th Ave

Hi Mr. Lincoln and Pinkney,

I am working on an article for Mother Jones magazine that addresses Regional Administrator Trey Glenn's prior consulting work on the 35th Avenue Superfund site for the law firm Balch & Bingham whose client was coal company Drummond.

My questions:

- 1) Did Mr. Glenn interact with the EPA on behalf of Balch or Drummond? What was the nature of his consulting work? (R4ORA)
- 2) Has Mr. Glenn recused himself from any matter involving 35th Avenue? Has he taken any other steps to insulate himself from decisionmaking involving that site? (R4 ORC Deborah Benjamin/John Sheesley)
- 3) What is the status of EPA's proposal to put 35th Avenue on the NPL? Is EPA currently taking any steps to have potentially responsible parties pay for clean up efforts at 35th Ave? Or has that effort stalled? Are there other status updates at the site? (Superfund – Randall Chaffins/RPM)
- 4) After the Justice Department made public its criminal charges against Alabama State Rep. Oliver Robinson for taking bribes to oppose the EPA's actions at the 35th Avenue site, Senior EPA Attorney Robert Caplan wrote in a June 23, 2017 email: "There are many concerns growing out of this situation that we will need to evaluate and monitor moving forward." (R4 ORC(Suzanne Rubini, FOIA?))



"Also, there could be implications that SF [the Superfund office] will need to evaluate."

**Did opposition from Alabama state officials, including Robinson, affect the EPA's decisionmaking about what to do with the 35th Avenue site, including placement on the NPL? (R4 Superfund Randall Chaffins, OLEM)**

My deadline is close of business Tuesday.

Thanks in advance,  
Nick

--  
--  
Nick Schwellenbach  
Director of Investigations  
Project On Government Oversight  
1100 G Street, NW, Suite 500  
Washington, DC 20005

(p) 202-347-1122

Remember POGO in the CFC: # 10785  
[www.pogo.org](http://www.pogo.org)

**Cody, Karen**

**From:** Sheesley, John  
**Sent:** Monday, February 26, 2018 5:44 PM  
**To:** Rubini, Suzanne; Lincoln, Larry; Ashbee, Blake; Jenkins, Brandi; Benjamin, Deborah  
**Cc:** Pinkney, James  
**Subject:** RE: Mother Jones magazine query: Trey Glenn & 35th Ave

Larry, I have put information regarding the recusal statement in response to #2 into the OneDrive document. Please let me know if you need more information than I've provided there. Thank you.

John Sheesley  
Associate Regional Counsel  
US EPA Region 4  
404-562-8139  
(b)(6)

**From:** Rubini, Suzanne  
**Sent:** Monday, February 26, 2018 12:42 PM  
**To:** Lincoln, Larry ; Ashbee, Blake ; Jenkins, Brandi ; Benjamin, Deborah ; Sheesley, John  
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(b)(5)

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Larry

Director  
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Follow Region 4 on Twitter: [www.twitter.com/EPASoutheast](https://twitter.com/EPASoutheast)  
And Facebook: [www.facebook.com/eparegion4](https://www.facebook.com/eparegion4)

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- 2) Has Mr. Glenn recused himself from any matter involving 35th Avenue? Has he taken any other steps to insulate himself from decisionmaking involving that site? (R4 ORC Deborah Benjamin/John Sheesley)
- 3) What is the status of EPA's proposal to put 35th Avenue on the NPL? Is EPA currently taking any steps to have potentially responsible parties pay for clean up efforts at 35th Ave? Or has that effort stalled? Are there other status updates at the site? (Superfund – Randall Chaffins/RPM)
- 4) After the Justice Department made public its criminal charges against Alabama State Rep. Oliver Robinson for taking bribes to oppose the EPA's actions at the 35th Avenue site, Senior EPA Attorney Robert Caplan wrote in a June 23, 2017 email: "There are many concerns growing out of this situation that we will need to evaluate and monitor moving forward." (R4 ORC(Suzanne Rubini, FOIA?)

"Also, there could be implications that SF [the Superfund office] will need to evaluate "

Did opposition from Alabama state officials, including Robinson, affect the EPA's decisionmaking about what to do with the 35th Avenue site, including placement on the NPL? (R4 Superfund Randall Chaffins,OLEM)

My deadline is close of business Tuesday.

Thanks in advance,  
Nick

--

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Nick Schwellenbach  
Director of Investigations  
Project On Government Oversight  
1100 G Street, NW, Suite 500  
Washington, DC 20005

(p) 202-347-1122

Remember POGO in the CFC: # 10785  
[www.pogo.org](http://www.pogo.org)

**Cody, Karen**

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**From:** Sheesley, John  
**Sent:** Tuesday, February 27, 2018 10:03 AM  
**To:** Fugh, Justina  
**Subject:** FW: Mother Jones magazine query: Trey Glenn & 35th Ave  
**Attachments:** Trey Glenn's Recusal Statement.pdf

Justina, as I mentioned in my voice mail, I drafted a response to item #2 in this inquiry yesterday which restated what's in Trey Glenn's recusal statement, and Blake and Suzanne have today asked if we can put in something that specifically addresses the 35<sup>th</sup> Avenue Superfund Site. The inquiry asks about the site, so I suppose the goal is to respond directly, even though the recusal statement doesn't mention the site by name. Please let me know if you're comfortable with this:

Mr. Glenn signed a recusal memorandum on January 10, 2018. Among the obligations memorialized in that memorandum, Mr. Glenn recused himself from participating in any particular matter involving specific parties in which any former client to whom he provided services during the past two years is a party or represents a party. The memorandum contains a list of Mr. Glenn's former clients covered by this recusal, including Balch & Bingham LLP and Drummond Company. Accordingly, Mr. Glenn cannot participate in the 35th Avenue Superfund Site because his former clients are involved. This recusal lasts until August 27, 2019.

The memorandum instructs Blake Ashbee, Region 4 Chief of Staff, to assist in screening EPA matters directed to Mr. Glenn's attention that involve the entities on the recusal list. If Mr. Ashbee determines that a particular matter will directly involve any of the entities on Mr. Glenn's recusal list, he will refer it for action or assignment to another, without Mr. Glenn's knowledge or involvement.

Thank you.

John Sheesley  
Associate Regional Counsel  
US EPA Region 4  
404-562-8139

**From:** Rubini, Suzanne  
**Sent:** Tuesday, February 27, 2018 9:17 AM  
**To:** Sheesley, John  
**Subject:** FW: Mother Jones magazine query: Trey Glenn & 35th Ave

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**Subject:** FW: Mother Jones magazine query: Trey Glenn & 35th Ave

**From:** Fugh, Justina  
**Sent:** Monday, February 26, 2018 10:30 PM  
**To:** Ashbee, Blake <ashbee.blake@epa.gov>  
**Cc:** Ross, Margaret <Ross.Margaret@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Subject:** RE: Mother Jones magazine query: Trey Glenn & 35th Ave

Hi Blake,  
Thanks for asking. To remind us about Trey's recusal, I've attached it. Shannon Griffo of Team Ethics drafted that, so I've copied her. Here are my thoughts about the questions that are ethics-related:

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exemption 5

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exemption 5

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**To:** Glenn, Trey <Glenn.Trey@epa.gov>; Heard, Anne <Heard.Anne@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>; Hill, Franklin <Hill.Franklin@epa.gov>; Chaffins, Randall <Chaffins.Randall@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>  
**Cc:** Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Jones-Johnson, Shea <Jones-Johnson.Shea@epa.gov>  
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**To:** [lincoln.larry@epa.gov](mailto:lincoln.larry@epa.gov), [Pinkney.James@epa.gov](mailto:Pinkney.James@epa.gov)  
**Cc:** Russ Choma <[rchoma@motherjones.com](mailto:rchoma@motherjones.com)>  
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**Cody, Karen**

**From:** Sheesley, John  
**Sent:** Tuesday, February 27, 2018 10:04 AM  
**To:** Rubini, Suzanne  
**Subject:** RE: Mother Jones magazine query: Trey Glenn & 35th Ave

Sorry I missed you. I left Justina a voice mail and sent a proposed statement to her by email, and I'll let you know when she responds. I reminded her about the short timeline.

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exemption 5

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**Cc:** Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>; Jones-Johnson, Shea <[Jones-Johnson.Shea@epa.gov](mailto:Jones-Johnson.Shea@epa.gov)>  
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**Cc:** Russ Choma <[rchoma@motherjones.com](mailto:rchoma@motherjones.com)>  
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[www.pogo.org](http://www.pogo.org)

**Cody, Karen**

**From:** Sheesley, John  
**Sent:** Tuesday, February 27, 2018 10:46 AM  
**To:** Clay, David  
**Subject:** TG Weekly

**Hot Issues:**

(b)(5)

(b)

(5)

Ethics Practice Group - Provided information regarding Trey Glenn's recusal from 35<sup>th</sup> Avenue Superfund Site in response to media inquiry for article to be published in Mother Jones magazine

(b)(5)

**Goals for Next Week:**

(b)(5)

Ethics Practice Group - Distribute Confidential Financial Disclosure Reports (OGE 450s) to Ethics Practice Group members for review

**Contacts Past or Planned with Key Stakeholders:**

(b)(5)

John Sheesley  
Associate Regional Counsel  
US EPA Region 4  
404-562-8139

**Cody, Karen**

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**From:** Sheesley, John  
**Sent:** Tuesday, February 27, 2018 12:04 PM  
**To:** Fugh, Justina  
**Subject:** RE: Mother Jones magazine query: Trey Glenn & 35th Ave

Thanks for getting back to me quickly, Justina! Sorry to raise the alarm up there by calling Margaret too. Just doing as I'm told.

**From:** Fugh, Justina  
**Sent:** Tuesday, February 27, 2018 11:22 AM  
**To:** Sheesley, John  
**Subject:** RE: Mother Jones magazine query: Trey Glenn & 35th Ave

Hi John,

So sorry that I was in a meeting and unable to take your call, and appreciate that you're worried about this while on the way to the airport! How about this ...

As an EPA political appointee, Mr. Glenn received initial ethics training and consistently sought ethics advice regarding his obligations. He signed a recusal memorandum on January 10, 2018 that memorialized those obligations. As required by the federal ethics regulations and Executive Order 13770, ~~Among the obligations memorialized in that memorandum,~~ Mr. Glenn appropriately recused himself from participating personally and substantially in any particular matter involving specific parties in which any former client to whom he provided services during the past two years is a party or represents a party. The memorandum details all of his ~~contains a list of Mr. Glenn's former clients covered by this recusal,~~ including Balch & Bingham LLP and Drummond Company. Because his recusal obligation is with his former client or clients, the recusal itself does not list specific sites. But in answer to your question, ~~Accordingly,~~ Mr. Glenn cannot participate in the 35th Avenue Superfund Site because his former clients are parties to that specific party matter. Please note that, consistent with the applicable ethics regulations and executive order, his recusal lasts until August 27, 2019.

The recusal memorandum instructs Blake Ashbee, Region 4 Chief of Staff, to assist in screening EPA matters directed to Mr. Glenn's attention that involve the entities on the recusal list. If Mr. Ashbee determines that a particular matter will directly involve any of the entities on Mr. Glenn's recusal list, he will refer it for action or assignment to another, without Mr. Glenn's knowledge or involvement.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**Subject:** FW: Mother Jones magazine query: Trey Glenn & 35th Ave

Justina, as I mentioned in my voice mail, I drafted a response to item #2 in this inquiry yesterday which restated what's in Trey Glenn's recusal statement, and Blake and Suzanne have today asked if we can put in something that specifically addresses the 35<sup>th</sup> Avenue Superfund Site. The inquiry asks about the site, so I suppose the goal is to respond directly, even though the recusal statement doesn't mention the site by name. Please let me know if you're comfortable with this:

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John Sheesley  
Associate Regional Counsel  
US EPA Region 4  
404-562-8139

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exemption 5

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**Cody, Karen**

**From:** Sheesley, John  
**Sent:** Tuesday, February 27, 2018 12:11 PM  
**To:** Rubini, Suzanne  
**Subject:** RE: Mother Jones magazine query: Trey Glenn & 35th Ave

I spoke with Margaret and Justina, and I've updated the response to #2 in the shared document. For convenience, I've pasted the response below as well. I am leaving now for the airport to catch a 2pm flight to Texas, so I won't be back online until tonight. Feel free to call me at (b)(6) if you need to reach me this afternoon.

*As an EPA political appointee, Mr. Glenn received initial ethics training and consistently sought ethics advice regarding his obligations. He signed a recusal memorandum on January 10, 2018 that memorialized those obligations. As required by the federal ethics regulations and Executive Order 13770, Mr. Glenn appropriately recused himself from participating personally and substantially in any particular matter involving specific parties in which any former client to whom he provided services during the past two years is a party or represents a party. The memorandum details all of his former clients covered by this recusal, including Balch & Bingham LLP and Drummond Company. Because his recusal obligation is with his former client or clients, the recusal itself does not list specific sites. But in answer to your question, Mr. Glenn cannot participate in the 35th Avenue Superfund Site because his former clients are parties to that specific party matter. Please note that, consistent with the applicable ethics regulations and executive order, his recusal lasts until August 27, 2019.*

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Subject: Mother Jones magazine query: Trey Glenn & 35th Ave

For situational awareness.

The following media inquiry came into OExA a few minutes ago. Will need to coordinate with appropriate regional staff on proposed response to forward to OPA for approval.

Requested deadline is COB tomorrow.

Sent from my iPhone

Begin forwarded message:

**From:** Nick Schwellenbach <[nick@pogo.org](mailto:nick@pogo.org)>  
**Date:** February 26, 2018 at 11:00:00 AM EST  
**To:** [lincoln.larry@epa.gov](mailto:lincoln.larry@epa.gov), [Pinkney.James@epa.gov](mailto:Pinkney.James@epa.gov)  
**Cc:** Russ Choma <[rchoma@motherjones.com](mailto:rchoma@motherjones.com)>  
**Subject:** Mother Jones magazine query: Trey Glenn & 35th Ave

Hi Mr. Lincoln and Pinkney,

I am working on an article for Mother Jones magazine that addresses Regional Administrator Trey Glenn's prior consulting work on the 35th Avenue Superfund site for the law firm Balch & Bingham whose client was coal company Drummond.

My questions:

- 1) Did Mr. Glenn interact with the EPA on behalf of Balch or Drummond? What was the nature of his consulting work?
- 2) Has Mr. Glenn recused himself from any matter involving 35th Avenue? Has he taken any other steps to insulate himself from decisionmaking involving that site?
- 3) What is the status of EPA's proposal to put 35th Avenue on the NPL? Is EPA currently taking any steps to have potentially responsible parties pay for clean up efforts at 35th Ave? Or has that effort stalled? Are there other status updates at the site?
- 4) After the Justice Department made public its criminal charges against Alabama State Rep. Oliver Robinson for taking bribes to oppose the EPA's actions at the 35th Avenue site, Senior EPA Attorney Robert Caplan wrote in a June 23, 2017 email: "There are many concerns growing out of this situation that we will need to evaluate and monitor moving forward."

"Also, there could be implications that SF [the Superfund office] will need to evaluate."

Did opposition from Alabama state officials, including Robinson, affect the EPA's decisionmaking about what to do with the 35th Avenue site, including placement on the NPL?

My deadline is close of business Tuesday.

Thanks in advance,  
Nick

--  
--  
Nick Schwellenbach  
Director of Investigations

Project On Government Oversight  
1100 G Street, NW, Suite 500  
Washington, DC 20005

(p) 202-347-1122

Remember POGO in the CFC: # 10785  
[www.pogo.org](http://www.pogo.org)

**Cody, Karen**

**From:** Benjamin, Deborah  
**Sent:** Friday, June 1, 2018 3:41 PM  
**To:** Sheesley, John  
**Cc:** Keith, Jennie  
**Subject:** FW: Regional Administrator Travel/Gifts  
**Attachments:** Delta Council.docx; Draft LxL - Delta Council (003).pdf

John:

Please let us know if you were made aware about the participation of R4 employees in these events. I was not consulted on this. Thanks.

**From:** Keith, Jennie  
**Sent:** Friday, June 01, 2018 2:32 PM  
**To:** Borromeo, Karina ; Benjamin, Deborah  
**Subject:** Regional Administrator Travel/Gifts

Hey there you two!

It appears your RA was traveling with the Administrator this week. I'm accounting for all gifts and wanted to know if you were brought in to provide advice and what advice you provided. Attached is the line by line travel schedule and I made a table to account for all EPA employees. Would you add your employees to it, too, along with respective information/advice?

Thanks!  
Jennie for OGC/Ethics

**From:** Hupp, Millan  
**Sent:** Thursday, May 31, 2018 5:01 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: Delta Council

It is my understanding that their regional offices have already accounted for their meals but yes, both Trey Glenn and Jim Guilliford are in attendance. I am unaware at what times they will be participating.

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie  
**Sent:** Thursday, May 31, 2018 4:59 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** RE: Delta Council

Millan, So there were no regional employees, including the regional administrators? I want to make sure to account for all EPA employees and coordinate with regional ethics officials if need be. Thanks! Jennie for OGC/Ethics

**From:** Hupp, Millan  
**Sent:** Thursday, May 31, 2018 4:24 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: Delta Council

I'm sorry! Please see attached updated version. I had the incorrect donor for the lunch today.

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie  
**Sent:** Thursday, May 31, 2018 3:43 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** RE: Delta Council

Funny. I thought I misspelled your name, but I realize I didn't until I said I did! I'm sorry again, Millan! (and this time it's right!).  
Jennie for OGC/Ethics

**From:** Hupp, Millan  
**Sent:** Thursday, May 31, 2018 3:16 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>  
**Subject:** RE: Delta Council

Thank you Jennie. Just light refreshments.

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie  
**Sent:** Thursday, May 31, 2018 3:15 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>  
**Subject:** RE: Delta Council

Hi Milan,

I'm sorry I misspelled your name in my earlier email. I have one clarifying question:

For the business roundtable on June 1 at 9:00am, is there a meal offered? or just light refreshments?

Thanks!  
Jennie for OGC/Ethics

**From:** Keith, Jennie

**Sent:** Thursday, May 31, 2018 3:00 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>

**Subject:** RE: Delta Council

Hi Millan,

Would your office complete this table I put together so that we can track which employees participated in which events and make sure that we follow through to clear all ethics issues? Please make sure to include all employees and whether they were an active participant (e.g., guest of the event) or staffing the event.

Also, in the original request, Delta Council provides a speaker's gift. When I inquired about the gift it is a piece of locally-famed pottery valued around \$50. The Administrator may not accept the speaker's gift unless he pays for it.

Thanks!

Jennie for OGC/Ethics

**From:** Hupp, Millan

**Sent:** Thursday, May 31, 2018 11:41 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>

**Subject:** RE: Delta Council

Thank you Justina.

1. All transportation is being conducted by PSD for the Administrator. Staff have rental cars.
2. Let's say all the employees do not want to pay for the meal (lunch and reception on 31<sup>st</sup>), what is the appropriate next step? Would they each have to complete one of the ethics forms we were discussing yesterday and that form would be included attached to their voucher?
3. The business roundtable was put together by the Region and by Delta Council. I just want to confirm that all EPA employees may accept refreshments (coffee, pop, water, tea) but not a meal?
4. The Delta Council lunch and Delta Council meeting are all one event and is open to all attendees. With that information, is this a meal that EPA employees may accept as a gift?
5. Staff is there to work on behalf of the Administrator and therefore may not eat. How do we address such situations.

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator

Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Fugh, Justina

**Sent:** Thursday, May 31, 2018 9:48 AM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>

**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>

**Subject:** RE: Delta Council

Hi Millan,

Thank you for sending the actual agenda. This is the sort of information that we had gotten from previous Administrators in order to provide full and complete ethics advice. We can now see who else will be in

attendance so that we can provide other political appointees with advice to ensure that they also do not fall afoul of the lobbyist gift rules.

In this situation, I checked, and the Delta Council is indeed a federally registered lobbyist. Therefore, the Administrator (as well as the other political appointees) cannot accept any gifts whatsoever from this entity. The prohibited gifts include transportation, receptions and some meals. In reviewing the schedule you sent, I have made the following notes:

EVENT	QUESTIONS	ETHICS RECOMMENDATION
Depart for Hopson Commissary	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Lunch with Delta Council and Delta FARM leadership	Who is paying for the lunch? How much is it?	All political appointees are subject to the ethics pledge (Pruitt, Glenn, Gulliford, Lyons, Daniell, Palich, Kundinger). Not all of them will be speaking or otherwise presenting information on behalf of EPA. This lunch is not part of the overall event. Therefore, OGC/Ethics recommends that all EPA employees pay for this meal (not accept it as a gift) and then claim per diem for this meal.
Pollinator Health and Water Quality Project Tour	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Hotel	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Delta Council Reception	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Delta Council Reception		This event, although possibly a widely attended gathering, is sponsored by a federally registered lobbyist, so IS NOT an exception to the lobbying gift ban. The Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per



Depart for Hotel	Who is paying for this transportation?	diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the Agency to accept the gift instead (but then they cannot claim per diem for the meal). EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Kent Wyatt Administration Building	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Business Roundtable	Who is sponsoring this event?	Even if refreshments are offered, the EPA attendees may accept. Refreshments offered as other than a meal are not considered gifts.
Delta Council Meeting		This is a meeting sponsored by a federally registered lobbyist.
Delta Council Lunch	Assuming that lobbyist is paying for this lunch	This event does not appear to involve any speaking opportunity, is not a widely attended gathering, and is sponsored by a federally registered lobbyist. NO exception to the lobbying gift ban. The Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the Agency to accept the gift instead (but then they cannot claim per diem for the meal).
Depart for Airport	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Hupp, Millan  
**Sent:** Wednesday, May 30, 2018 7:36 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Kundinger, Kelly <[kundinger.kelly@epa.gov](mailto:kundinger.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>  
**Subject:** Delta Council

Justina,

In an effort to memorialize our conversation from earlier, I've attached the agenda for the Delta Council. The three gifts we discussed were the lunch on Thursday, May 31<sup>st</sup> totaling \$11, the reception on Thursday, May 31<sup>st</sup> totaling \$11, and the lunch on Friday, June 1<sup>st</sup> totaling \$16.

The Delta Council was heavily involved in organizing each one of these events on Thursday and Friday with the Administrator being the guest of honor at each one. As I understand from our conversation, the Administrator can accept the gift of both the lunch on Thursday and the lunch on Friday as they both involve remarks and the discussion of EPA business.

As for the reception on Thursday, kindly offer guidance based off the information provided. Hors d'oeuvres will be provided though the Administrator is not expected to be eating. This event is hosted by the Delta Council and invited guests are made up of primarily elected officials. How shall we proceed with the handling of this gift?

Please let me know what additional questions I may answer.

Thank you,  
Millan

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

Lunch with Delta Council / Delta F.A.R.M. -- May 31, 2018 at 12:00pm

[illegible]

DRAFT

Prepared by: Advance

U.S Environmental Protection Agency  
Washington, D.C.  
**ADMINISTRATOR SCOTT PRUITT**

Clarksdale, MS / Cleveland, MS

Staff: Troy, Christian, Stephen and Kelsi

Staff Advance: Kelly

**Thursday, May 31<sup>st</sup>, 2018**

(Clarksdale, MS / Cleveland, MS)

Staff: Troy, Christian, Stephen and Kelsi

Staff Advance: Kelly

Temperature: 93, 10% chance of rain

Daily Per Diem Rate: \$38.25

Dress Code: Casual / Business

08:45AM – 10:21AM	<b>DCA – MEM</b> <b>AA 5057</b> Staff: Troy and Kelsi Agency Record Locator: VB4FWU Airline Record Locator: IJYMFV
10:30AM – 12:00PM	<b>Depart for Hopson Commissary</b> Location: Commissary Circle Road, Clarksdale, MS 38614 Staff: Troy and Kelsi <i>Note: 75 miles; 1.20-hour drive time</i>
12:00PM – 01:30PM	<b>Lunch with Delta Council and Delta F.A.R.M. Leadership</b> Location: Hopson Commissary Attendees: 30 Administrator's table: <ul style="list-style-type: none"><li>- Trey Glenn, Region 4 Administrator</li><li>- Jim Gulliford, Region 7 Administrator</li><li>- Dick Flowers, Owner, Omega Planting Company</li><li>- Bowen Flowers, Owner, Omega Planning Company</li><li>- George King, President, Delta Council</li><li>- Dan Branton, Chairman, Delta F.A.R.M.</li></ul> Press: Closed Staff: Troy, Christian, Stephen and Kelsi
01:30PM – 02:15PM	<b>EPA Grant Announcement</b> Location: Omega Planting Company Cotton Field  Run of Show: <ul style="list-style-type: none"><li>- Bowen Flowers introduces Trey Glenn</li><li>- Trey Glenn delivers brief remarks</li><li>- Trey Glenn introduces Jim Gulliford</li><li>- Bowen Flowers introduces the Administrator</li><li>- The Administrator delivers brief remarks</li><li>- The Administrator presents B.F. Smith Foundation with a check</li></ul>

- The Administrator presents the Iowa Department of Agriculture and Land Stewardship with a check
- The Administrator partakes in a photo opportunity
- The Grant Announcement event concludes

*Note: Trey Glenn, Jim Gulliford and Bowen Flowers will remain on stage for the presentation of the grant checks.*

**Attendees:**

- Governor Phil Bryant
- Trey Glenn, Region 4 Administrator
- Jim Gulliford, Region 7 Administrator
- Brandi Jenkins, Special Assistant to the Administrator, Region 4
- Blake Ashbee, Chief of Staff, EPA Region 4
- Davina Marraccini, Government Liaison, EPA Region 4
- Dan Branton, Chairman, Delta F.A.R.M.
- Chad Brock, Retailer, Seed Sales
- Andy Brown, MS Farm Bureau Federation
- Dan Campbell, Delta F.A.R.M. Sponsor
- Woods Eastland, Incoming President, Delta Council
- Bowen Flowers, Delta Council Executive Member
- Dick Flowers, Omega Planting Company
- Mattson Flowers, Prairie Farms
- Scott Flowers, Mattson Farms
- Donald Gant, Gant and Sons Farms
- Andy Gipson, Commissioner, MS Department of Ag and Commerce
- Michael Harper, Southern Crops. FMC Corporation
- Tripp Hayes, Ellendale Land Company
- Cliff Heaton, Bobo Moseley Gin Company
- Pete Hunter, Stovall Farms II
- Gene Hurt, Seed and Crop Protection Materials
- Patrick Johnson, Chairman, National Cotton Council, Environmental Task Force
- Matt Lechtenberg, Water Quality Initiative Coordinator, Iowa Department of Ag & Land Stewardship
- Michael Ledlow, Director of Bureau of Plant Industry, MS Department of Agriculture and Commerce
- Chris McDonald, Director of Environmental Affairs, MS Department of Agriculture and Commerce
- Julie McLemore, Deputy Commissioner, MS Department of Agriculture and Commerce
- Troy Pierce, Senior Scientist, GOMP
- Lakeisha Robertson, Acting Director, GOMP
- John Rounsaville, State Director, USDA – Rural Development
- Doug Rushing, Monsanto, Director, Southern Crops.
- Jeff Smith, Industry Affairs Manager, Southern Crops, Valent
- Reed Trusty, Local Seed Company
- Will Weathers, Farmers Grain Terminal, Delta F.A.R.M. Sponsor
- Danny Wiegand, Environmental Engineer, GOMP Program
- Jack Winstead, Chairman, Commission on Environmental Quality

	Staff: Troy, Christian, Stephen and Kelsi
02:15PM – 03:00PM	<b>Pollinator Health and Water Quality Project Tour</b> Location: Big River Farms Note: this is a project that is benefitting from the grant money  Attendees: <ul style="list-style-type: none"> <li>- Dan Branton, Chairman, Delta F.A.R.M.</li> <li>- Dr. Jeff Gore, Entomologist, Mississippi State University</li> <li>- Dr. Jeff Harris, Apiologist, MS Department of Ag. and Commerce</li> <li>- Trey Cooke, Staff, Delta F.A.R.M.</li> <li>- Dan Prevost, Staff, Delta F.A.R.M.</li> </ul> Run of Show: <ul style="list-style-type: none"> <li>- Don Branton welcomes attendees and delivers a brief introduction</li> <li>- Dr. Jeff Gore and Dr. Jeff Harris give an overview of pollinator issues in agricultural systems</li> <li>- Trey Cooke and Dan Prevost give an overview of water quality projects in agricultural systems</li> <li>- Dan Branton moderates a discussion about pollinator issues and water quality projects in agricultural systems</li> </ul> Press: Open Staff: Troy, Christian, Stephen and Kelsi
03:00PM – 03:35PM	<b>Depart for Hotel</b> Location: 808 North Davis Avenue, Cleveland, MS 38732 Staff: Troy and Kelsi Note: 37 miles; 35-minute drive time
03:35PM – 05:30PM	<b>Executive Time</b>
05:30PM – 06:00PM	<b>Depart for Delta Council Reception</b> Location: 433 Stoneville Road, Leland, MS 38756 Staff: Troy and Kelsi Note: 28 miles; 30-minute drive time
06:00PM – 07:00PM	<b>Delta Council Reception</b> Attendees: 200 statewide elected officials Press: Closed Staff: Troy and Kelsi Note: This is an opportunity to meet and visit with local elected officials.
07:00PM – 07:30PM	<b>Depart for Hotel</b> Location: 808 North Davis Avenue, Cleveland, MS 38732 Staff: Troy and Kelsi Note: 28 miles; 30-minute drive time
RON	<b>Holiday Inn Express Suites</b> Staff: Troy, Christian, Stephen, Kelsi, Kelly

# Friday, June 1<sup>st</sup>, 2018

(Clarksdale, MS / Cleveland, MS)

Staff: Troy, Christian, Stephen and Kelsi

Staff Advance: Kelly

Temperature: 95, 10% chance of rain

Daily Per Diem Rate: \$38.25

Dress Code: Business

08:50AM – 08:55AM	<b>Depart for Kent Wyatt Administration Building</b> Location: Highway 8 West, Cleveland, MS 38733 Staff: Troy and Kelsi <i>Note: 1.9; 5-minute drive time</i>
09:00AM – 10:00AM	<b>Business Roundtable</b> Run of Show: <ul style="list-style-type: none"> <li>- Governor Bryant delivers brief remarks</li> <li>- Governor Bryant introduces the Administrator</li> <li>- The Administrator delivers brief remarks</li> <li>- The Administrator partakes in a roundtable discussion</li> </ul> Attendees: <ul style="list-style-type: none"> <li>- Governor Phil Bryant</li> <li>- Senator Roger Wicker</li> <li>- Senator Cindy Hyde-Smith</li> <li>- Lt. Governor Tate Reeves</li> <li>- Richard Kaiser, Commander, Mississippi River Commission</li> <li>- Kevin Kennedy, Acting State Conservationist, Natural Resources Conservation Service – USDA</li> <li>- Dan Branton, Chairman, Delta F.A.R.M.</li> <li>- Ron Cassada, County Engineer</li> <li>- Tim Clements, Farmer</li> <li>- Trey Davis, Monsanto</li> <li>- Woods Eastland, President-Elect, Delta Council</li> <li>- Bowen Flowers, Delta Council Executive Committee, Farmer</li> <li>- Jeff Gore, Entomologist, Delta Research and Extension Center, Mississippi State University</li> <li>- Walton Gresham, Chairman, Highways and Transportation Infrastructure Committee, Delta Council</li> <li>- Dick Hall, Transportation Commissioner, Central District</li> <li>- Michael Harper, FMC Corporation</li> <li>- Larry Killebrew, Southern AgCredit</li> <li>- Will Hooker, Bolivar County Administrator</li> <li>- Gene Hurt, Retailer, Seed and Crop Protection Materials</li> <li>- Patrick Johnson, National Cotton Council Chairman, Environmental Task Force</li> <li>- George King, President, Delta Council</li> <li>- Wade Litton, John Deere Implement Dealer</li> <li>- Mike McCormick, President, Mississippi Farm Bureau Federation</li> <li>- Johnny McRight, Formulator, Crop Protection Materials</li> <li>- Charles Michell, Local Seed Company</li> </ul>

	<ul style="list-style-type: none"> <li>- Rex Morgan, Yazoo Water Management District, Board of Directors</li> <li>- Lester Myers, President / CEO, Indi-Bel, Inc.</li> <li>- Peter Nimrod, Chief Engineer, Mississippi Levee Board</li> <li>- Mark Seard, Tax Assessor</li> <li>- Gibb Steele, USA Rice Foundation</li> <li>- Archie Tucker, Director, Southeast Area, USDA-Agricultural Research Service</li> <li>- Louis Poindexter, Seed and Crop Protection Materials</li> <li>- Jack Winstead, Chairman, Commission on Environmental Quality</li> </ul> <p>Press: Closed Staff: Troy, Christian, Stephen and Kelsi</p>
10:15AM – 12:00PM	<p><b>Delta Council Meeting</b></p> <p>Run of Show:</p> <ul style="list-style-type: none"> <li>- Welcome and Opening Remarks by George King, President, Delta Council</li> <li>- Presentation of Colors and Anthem</li> <li>- Recognition of 2018 Good Middling Recipient</li> <li>- Recognition of 2018 Delta Honor Graduate</li> <li>- Introduction of 2018-2019 Delta Council Officers</li> <li>- George King introduces the Administrator</li> <li>- The Administrator delivers remarks</li> <li>- The meeting concludes</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>- 2,500 Delta Council Members and guests</li> </ul> <p>Staff: Troy, Christian, Stephen and Kelsi <i>Note: Hold is in the Green Room</i></p>
12:00PM – 01:00PM	<p><b>Delta Council Lunch</b></p> <p>Staff: Stephen and Kelly <i>Note: The Administrator will be seated at a table with other members of the Delta Council panel.</i></p>
12:00PM – 02:00PM	<p><b>Depart for Airport</b></p> <p>Staff: Troy and Kelsi <i>Note: 112 miles; 1.55-hour drive time</i></p>



**Cody, Karen**

**From:** Sheesley, John  
**Sent:** Friday, June 1, 2018 3:50 PM  
**To:** Benjamin, Deborah  
**Cc:** Keith, Jennie  
**Subject:** RE: Regional Administrator Travel/Gifts

I'm sorry to be unhelpful, but I was not aware of this travel and was not asked to provide any related advice. I don't know which R4 employees participated.

I will confirm that none of the other members of R4's Ethics Practice Group provided advice either – but I would be very surprised if they had.

**From:** Benjamin, Deborah  
**Sent:** Friday, June 1, 2018 3:41 PM  
**To:** Sheesley, John  
**Cc:** Keith, Jennie  
**Subject:** FW: Regional Administrator Travel/Gifts

John:

Please let us know if you were made aware about the participation of R4 employees in these events. I was not consulted on this. Thanks.

**From:** Keith, Jennie  
**Sent:** Friday, June 01, 2018 2:32 PM  
**To:** Borromeo, Karina <[Borromeo.Karina@epa.gov](mailto:Borromeo.Karina@epa.gov)>; Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>  
**Subject:** Regional Administrator Travel/Gifts

Hey there you two!

It appears your RA was traveling with the Administrator this week. I'm accounting for all gifts and wanted to know if you were brought in to provide advice and what advice you provided. Attached is the line by line travel schedule and I made a table to account for all EPA employees. Would you add your employees to it, too, along with respective information/advice?

Thanks!  
Jennie for OGC/Ethics

**From:** Hupp, Millan  
**Sent:** Thursday, May 31, 2018 5:01 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: Delta Council

It is my understanding that their regional offices have already accounted for their meals but yes, both Trey Glenn and Jim Guilliford are in attendance. I am unaware at what times they will be participating.

Millan Hupp

Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie  
**Sent:** Thursday, May 31, 2018 4:59 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** RE: Delta Council

Millan, So there were no regional employees, including the regional administrators? I want to make sure to account for all EPA employees and coordinate with regional ethics officials if need be. Thanks! Jennie for OGC/Ethics

**From:** Hupp, Millan  
**Sent:** Thursday, May 31, 2018 4:24 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: Delta Council

I'm sorry! Please see attached updated version. I had the incorrect donor for the lunch today.

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie  
**Sent:** Thursday, May 31, 2018 3:43 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** RE: Delta Council

Funny. I thought I misspelled your name, but I realize I didn't until I said I did! I'm sorry again, Millan! (and this time it's right!).  
Jennie for OGC/Ethics

**From:** Hupp, Millan  
**Sent:** Thursday, May 31, 2018 3:16 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Kunderinger, Kelly <[kunderinger.kelly@epa.gov](mailto:kunderinger.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>  
**Subject:** RE: Delta Council

Thank you Jennie. Just light refreshments.

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie  
**Sent:** Thursday, May 31, 2018 3:15 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Kunderinger, Kelly <[kunderinger.kelly@epa.gov](mailto:kunderinger.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>  
**Subject:** RE: Delta Council

Hi Milan,

I'm sorry I misspelled your name in my earlier email. I have one clarifying question:  
For the business roundtable on June 1 at 9:00am, is there a meal offered? or just light refreshments?

Thanks!

Jennie for OGC/Ethics

**From:** Keith, Jennie

**Sent:** Thursday, May 31, 2018 3:00 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>

**Subject:** RE: Delta Council

Hi Millan,

Would your office complete this table I put together so that we can track which employees participated in which events and make sure that we follow through to clear all ethics issues? Please make sure to include all employees and whether they were an active participant (e.g., guest of the event) or staffing the event.

Also, in the original request, Delta Council provides a speaker's gift. When I inquired about the gift it is a piece of locally-famed pottery valued around \$50. The Administrator may not accept the speaker's gift unless he pays for it.

Thanks!

Jennie for OGC/Ethics

**From:** Hupp, Millan

**Sent:** Thursday, May 31, 2018 11:41 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>

**Subject:** RE: Delta Council

Thank you Justina.

1. All transportation is being conducted by PSD for the Administrator. Staff have rental cars.
2. Let's say all the employees do not want to pay for the meal (lunch and reception on 31<sup>st</sup>), what is the appropriate next step? Would they each have to complete one of the ethics forms we were discussing yesterday and that form would be included attached to their voucher?
3. The business roundtable was put together by the Region and by Delta Council. I just want to confirm that all EPA employees may accept refreshments (coffee, pop, water, tea) but not a meal?
4. The Delta Council lunch and Delta Council meeting are all one event and is open to all attendees. With that information, is this a meal that EPA employees may accept as a gift?
5. Staff is there to work on behalf of the Administrator and therefore may not eat. How do we address such situations.

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator

Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Fugh, Justina  
**Sent:** Thursday, May 31, 2018 9:48 AM  
**To:** Hupp, Millan <hupp.millan@epa.gov>  
**Cc:** Kunding, Kelly <kunding.kelly@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>  
**Subject:** RE: Delta Council

Hi Millan,

Thank you for sending the actual agenda. This is the sort of information that we had gotten from previous Administrators in order to provide full and complete ethics advice. We can now see who else will be in attendance so that we can provide other political appointees with advice to ensure that they also do not fall afoul of the lobbyist gift rules.

In this situation, I checked, and the Delta Council is indeed a federally registered lobbyist. Therefore, the Administrator (as well as the other political appointees) cannot accept any gifts whatsoever from this entity. The prohibited gifts include transportation, receptions and some meals. In reviewing the schedule you sent, I have made the following notes:

EVENT	QUESTIONS	ETHICS RECOMMENDATION
Depart for Hopson Commissary	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Lunch with Delta Council and Delta FARM leadership	Who is paying for the lunch? How much is it?	All political appointees are subject to the ethics pledge (Pruitt, Glenn, Gulliford, Lyons, Daniell, Palich, Kunding). Not all of them will be speaking or otherwise presenting information on behalf of EPA. This lunch is not part of the overall event. Therefore, OGC/Ethics recommends that all EPA employees pay for this meal (not accept it as a gift) and then claim per diem for this meal.
Pollinator Health and Water Quality Project Tour	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Hotel	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Delta Council Reception	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees

Delta Council Reception		should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Hotel	Who is paying for this transportation?	This event, although possibly a widely attended gathering, is sponsored by a federally registered lobbyist, so IS NOT an exception to the lobbying gift ban. The Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the Agency to accept the gift instead (but then they cannot claim per diem for the meal).
Depart for Kent Wyatt Administration Building	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Business Roundtable	Who is sponsoring this event?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Delta Council Meeting		Even if refreshments are offered, the EPA attendees may accept. Refreshments offered as other than a meal are not considered gifts.
Delta Council Lunch	Assuming that lobbyist is paying for this lunch	This is a meeting sponsored by a federally registered lobbyist. This event does not appear to involve any speaking opportunity, is not a widely attended gathering, and is sponsored by a federally registered lobbyist. NO exception to the lobbying gift ban. The Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the Agency to accept the gift instead (but then they cannot claim per diem for the meal).
Depart for Airport	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Hupp, Millan  
**Sent:** Wednesday, May 30, 2018 7:36 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>  
**Subject:** Delta Council

Justina,

In an effort to memorialize our conversation from earlier, I've attached the agenda for the Delta Council. The three gifts we discussed were the lunch on Thursday, May 31<sup>st</sup> totaling \$11, the reception on Thursday, May 31<sup>st</sup> totaling \$11, and the lunch on Friday, June 1<sup>st</sup> totaling \$16.

The Delta Council was heavily involved in organizing each one of these events on Thursday and Friday with the Administrator being the guest of honor at each one. As I understand from our conversation, the Administrator can accept the gift of both the lunch on Thursday and the lunch on Friday as they both involve remarks and the discussion of EPA business.

As for the reception on Thursday, kindly offer guidance based off the information provided. Hors d'oeuvres will be provided though the Administrator is not expected to be eating. This event is hosted by the Delta Council and invited guests are made up of primarily elected officials. How shall we proceed with the handling of this gift?

Please let me know what additional questions I may answer.

Thank you,  
Millan

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**Cody, Karen**

---

**From:** Sheesley, John  
**Sent:** Friday, June 1, 2018 3:53 PM  
**To:** Wetherington, Michele; Sawyer, Bonnie; Daniels-Lewis, Alicia  
**Subject:** Regional Administrator Travel/Gifts  
**Attachments:** Draft LxL - Delta Council (003).pdf

Would you please reply to let me know whether or not you provided ethics advice regarding travel or gifts for the RA or any other R4 employees in connection with the Delta Council event in Mississippi this week? There's more detail in the attached agenda should you need more detail. Thanks.

DRAFT

Prepared by: Advance

U.S Environmental Protection Agency  
Washington, D.C.  
**ADMINISTRATOR SCOTT PRUITT**  
Clarksdale, MS / Cleveland, MS  
Staff: Troy, Christian, Stephen and Kelsi  
Staff Advance: Kelly

**Thursday, May 31<sup>st</sup>, 2018**

(Clarksdale, MS / Cleveland, MS)  
Staff: Troy, Christian, Stephen and Kelsi  
Staff Advance: Kelly  
Temperature: 93, 10% chance of rain  
Daily Per Diem Rate: \$38.25  
Dress Code: Casual / Business

08:45AM – 10:21AM	<b>DCA – MEM</b> <b>AA 5057</b> Staff: Troy and Kelsi Agency Record Locator: VB4FWU Airline Record Locator: IJYMFV
10:30AM – 12:00PM	<b>Depart for Hopson Commissary</b> Location: Commissary Circle Road, Clarksdale, MS 38614 Staff: Troy and Kelsi <i>Note: 75 miles; 1.20-hour drive time</i>
12:00PM – 01:30PM	<b>Lunch with Delta Council and Delta F.A.R.M. Leadership</b> Location: Hopson Commissary Attendees: 30 Administrator's table: <ul style="list-style-type: none"><li>- Trey Glenn, Region 4 Administrator</li><li>- Jim Gulliford, Region 7 Administrator</li><li>- Dick Flowers, Owner, Omega Planting Company</li><li>- Bowen Flowers, Owner, Omega Planning Company</li><li>- George King, President, Delta Council</li><li>- Dan Branton, Chairman, Delta F.A.R.M.</li></ul> Press: Closed Staff: Troy, Christian, Stephen and Kelsi
01:30PM – 02:15PM	<b>EPA Grant Announcement</b> Location: Omega Planting Company Cotton Field Run of Show: <ul style="list-style-type: none"><li>- Bowen Flowers introduces Trey Glenn</li><li>- Trey Glenn delivers brief remarks</li><li>- Trey Glenn introduces Jim Gulliford</li><li>- Bowen Flowers introduces the Administrator</li><li>- The Administrator delivers brief remarks</li><li>- The Administrator presents B.F. Smith Foundation with a check</li></ul>



- The Administrator presents the Iowa Department of Agriculture and Land Stewardship with a check
- The Administrator partakes in a photo opportunity
- The Grant Announcement event concludes

*Note: Trey Glenn, Jim Gulliford and Bowen Flowers will remain on stage for the presentation of the grant checks.*

**Attendees:**

- Governor Phil Bryant
- Trey Glenn, Region 4 Administrator
- Jim Gulliford, Region 7 Administrator
- Brandi Jenkins, Special Assistant to the Administrator, Region 4
- Blake Ashbee, Chief of Staff, EPA Region 4
- Davina Marraccini, Government Liaison, EPA Region 4
- Dan Branton, Chairman, Delta F.A.R.M.
- Chad Brock, Retailer, Seed Sales
- Andy Brown, MS Farm Bureau Federation
- Dan Campbell, Delta F.A.R.M. Sponsor
- Woods Eastland, Incoming President, Delta Council
- Bowen Flowers, Delta Council Executive Member
- Dick Flowers, Omega Planting Company
- Mattson Flowers, Prairie Farms
- Scott Flowers, Mattson Farms
- Donald Gant, Gant and Sons Farms
- Andy Gipson, Commissioner, MS Department of Ag and Commerce
- Michael Harper, Southern Crops. FMC Corporation
- Tripp Hayes, Ellendale Land Company
- Cliff Heaton, Bobo Moseley Gin Company
- Pete Hunter, Stovall Farms II
- Gene Hurt, Seed and Crop Protection Materials
- Patrick Johnson, Chairman, National Cotton Council, Environmental Task Force
- Matt Lechtenberg, Water Quality Initiative Coordinator, Iowa Department of Ag & Land Stewardship
- Michael Ledlow, Director of Bureau of Plant Industry, MS Department of Agriculture and Commerce
- Chris McDonald, Director of Environmental Affairs, MS Department of Agriculture and Commerce
- Julie McLemore, Deputy Commissioner, MS Department of Agriculture and Commerce
- Troy Pierce, Senior Scientist, GOMP
- Lakeisha Robertson, Acting Director, GOMP
- John Rounsaville, State Director, USDA – Rural Development
- Doug Rushing, Monsanto, Director, Southern Crops.
- Jeff Smith, Industry Affairs Manager, Southern Crops, Valent
- Reed Trusty, Local Seed Company
- Will Weathers, Farmers Grain Terminal, Delta F.A.R.M. Sponsor
- Danny Wiegand, Environmental Engineer, GOMP Program
- Jack Winstead, Chairman, Commission on Environmental Quality

	<p>Staff: Troy, Christian, Stephen and Kelsi</p> <p><b>Pollinator Health and Water Quality Project Tour</b></p> <p>Location: Big River Farms</p> <p>Note: this is a project that is benefitting from the grant money</p> <p>Attendees:</p> <ul style="list-style-type: none"> <li>- Dan Branton, Chairman, Delta F.A.R.M.</li> <li>- Dr. Jeff Gore, Entomologist, Mississippi State University</li> <li>- Dr. Jeff Harris, Apiologist, MS Department of Ag. and Commerce</li> <li>- Trey Cooke, Staff, Delta F.A.R.M.</li> <li>- Dan Prevost, Staff, Delta F.A.R.M.</li> </ul> <p>Run of Show:</p> <ul style="list-style-type: none"> <li>- Don Branton welcomes attendees and delivers a brief introduction</li> <li>- Dr. Jeff Gore and Dr. Jeff Harris give an overview of pollinator issues in agricultural systems</li> <li>- Trey Cooke and Dan Prevost give an overview of water quality projects in agricultural systems</li> <li>- Dan Branton moderates a discussion about pollinator issues and water quality projects in agricultural systems</li> </ul> <p>Press: Open</p>
02:15PM – 03:00PM	
03:00PM – 03:35PM	<p>Staff: Troy, Christian, Stephen and Kelsi</p> <p><b>Depart for Hotel</b></p> <p>Location: 808 North Davis Avenue, Cleveland, MS 38732</p> <p>Staff: Troy and Kelsi</p> <p>Note: 37 miles; 35-minute drive time</p>
03:35PM – 05:30PM	<b>Executive Time</b>
05:30PM – 06:00PM	<p><b>Depart for Delta Council Reception</b></p> <p>Location: 433 Stoneville Road, Leland, MS 38756</p> <p>Staff: Troy and Kelsi</p> <p>Note: 28 miles; 30-minute drive time</p>
06:00PM – 07:00PM	<p><b>Delta Council Reception</b></p> <p>Attendees: 200 statewide elected officials</p> <p>Press: Closed</p> <p>Staff: Troy and Kelsi</p> <p>Note: This is an opportunity to meet and visit with local elected officials.</p>
07:00PM – 07:30PM	<p><b>Depart for Hotel</b></p> <p>Location: 808 North Davis Avenue, Cleveland, MS 38732</p> <p>Staff: Troy and Kelsi</p> <p>Note: 28 miles; 30-minute drive time</p>
RON	<p><b>Holiday Inn Express Suites</b></p> <p>Staff: Troy, Christian, Stephen, Kelsi, Kelly</p>

DRAFT

Prepared by: Advance

**Friday, June 1<sup>st</sup>, 2018**

(Clarksdale, MS / Cleveland, MS)

Staff: Troy, Christian, Stephen and Kelsi

Staff Advance: Kelly

Temperature: 95, 10% chance of rain

Daily Per Diem Rate: \$38.25

Dress Code: Business

08:50AM – 08:55AM	<b>Depart for Kent Wyatt Administration Building</b> Location: Highway 8 West, Cleveland, MS 38733 Staff: Troy and Kelsi <i>Note: 1.9; 5-minute drive time</i>
09:00AM – 10:00AM	<b>Business Roundtable</b> Run of Show: <ul style="list-style-type: none"><li>- Governor Bryant delivers brief remarks</li><li>- Governor Bryant introduces the Administrator</li><li>- The Administrator delivers brief remarks</li><li>- The Administrator partakes in a roundtable discussion</li></ul> Attendees: <ul style="list-style-type: none"><li>- Governor Phil Bryant</li><li>- Senator Roger Wicker</li><li>- Senator Cindy Hyde-Smith</li><li>- Lt. Governor Tate Reeves</li><li>- Richard Kaiser, Commander, Mississippi River Commission</li><li>- Kevin Kennedy, Acting State Conservationist, Natural Resources Conservation Service – USDA</li><li>- Dan Branton, Chairman, Delta F.A.R.M.</li><li>- Ron Cassada, County Engineer</li><li>- Tim Clements, Farmer</li><li>- Trey Davis, Monsanto</li><li>- Woods Eastland, President-Elect, Delta Council</li><li>- Bowen Flowers, Delta Council Executive Committee, Farmer</li><li>- Jeff Gore, Entomologist, Delta Research and Extension Center, Mississippi State University</li><li>- Walton Gresham, Chairman, Highways and Transportation Infrastructure Committee, Delta Council</li><li>- Dick Hall, Transportation Commissioner, Central District</li><li>- Michael Harper, FMC Corporation</li><li>- Larry Killebrew, Southern AgCredit</li><li>- Will Hooker, Bolivar County Administrator</li><li>- Gene Hurt, Retailer, Seed and Crop Protection Materials</li><li>- Patrick Johnson, National Cotton Council Chairman, Environmental Task Force</li><li>- George King, President, Delta Council</li><li>- Wade Litton, John Deere Implement Dealer</li><li>- Mike McCormick, President, Mississippi Farm Bureau Federation</li><li>- Johnny McRight, Formulator, Crop Protection Materials</li><li>- Charles Michell, Local Seed Company</li></ul>

	<ul style="list-style-type: none"> <li>- Rex Morgan, Yazoo Water Management District, Board of Directors</li> <li>- Lester Myers, President / CEO, Indi-Bel, Inc.</li> <li>- Peter Nimrod, Chief Engineer, Mississippi Levee Board</li> <li>- Mark Seard, Tax Assessor</li> <li>- Gibb Steele, USA Rice Foundation</li> <li>- Archie Tucker, Director, Southeast Area, USDA-Agricultural Research Service</li> <li>- Louis Poindexter, Seed and Crop Protection Materials</li> <li>- Jack Winstead, Chairman, Commission on Environmental Quality</li> </ul> <p>Press: Closed Staff: Troy, Christian, Stephen and Kelsi</p>
10:15AM – 12:00PM	<p><b>Delta Council Meeting</b></p> <p>Run of Show:</p> <ul style="list-style-type: none"> <li>- Welcome and Opening Remarks by George King, President, Delta Council</li> <li>- Presentation of Colors and Anthem</li> <li>- Recognition of 2018 Good Middling Recipient</li> <li>- Recognition of 2018 Delta Honor Graduate</li> <li>- Introduction of 2018-2019 Delta Council Officers</li> <li>- George King introduces the Administrator</li> <li>- The Administrator delivers remarks</li> <li>- The meeting concludes</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>- 2,500 Delta Council Members and guests</li> </ul> <p>Staff: Troy, Christian, Stephen and Kelsi <i>Note: Hold is in the Green Room</i></p>
12:00PM – 01:00PM	<p><b>Delta Council Lunch</b></p> <p>Staff: Stephen and Kelly <i>Note: The Administrator will be seated at a table with other members of the Delta Council panel.</i></p>
12:00PM – 02:00PM	<p><b>Depart for Airport</b></p> <p>Staff: Troy and Kelsi <i>Note: 112 miles; 1.55-hour drive time</i></p>

**Cody, Karen**

---

**From:** Sheesley, John  
**Sent:** Monday, June 4, 2018 9:47 AM  
**To:** Benjamin, Deborah  
**Cc:** Keith, Jennie  
**Subject:** RE: Regional Administrator Travel/Gifts

I've confirmed that none of the other members of our Ethics Practice Group provided advice related to this event.

**From:** Sheesley, John  
**Sent:** Friday, June 1, 2018 3:50 PM  
**To:** Benjamin, Deborah  
**Cc:** Keith, Jennie  
**Subject:** RE: Regional Administrator Travel/Gifts

I'm sorry to be unhelpful, but I was not aware of this travel and was not asked to provide any related advice. I don't know which R4 employees participated.

I will confirm that none of the other members of R4's Ethics Practice Group provided advice either – but I would be very surprised if they had.

**From:** Benjamin, Deborah  
**Sent:** Friday, June 1, 2018 3:41 PM  
**To:** Sheesley, John <[Sheesley.John@epa.gov](mailto:Sheesley.John@epa.gov)>  
**Cc:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** FW: Regional Administrator Travel/Gifts

John:

Please let us know if you were made aware about the participation of R4 employees in these events. I was not consulted on this. Thanks.

**From:** Keith, Jennie  
**Sent:** Friday, June 01, 2018 2:32 PM  
**To:** Borromeo, Karina <[Borromeo.Karina@epa.gov](mailto:Borromeo.Karina@epa.gov)>; Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>  
**Subject:** Regional Administrator Travel/Gifts

Hey there you two!

It appears your RA was traveling with the Administrator this week. I'm accounting for all gifts and wanted to know if you were brought in to provide advice and what advice you provided. Attached is the line by line travel schedule and I made a table to account for all EPA employees. Would you add your employees to it, too, along with respective information/advice?

Thanks!  
Jennie for OGC/Ethics

**From:** Hupp, Millan  
**Sent:** Thursday, May 31, 2018 5:01 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: Delta Council

It is my understanding that their regional offices have already accounted for their meals but yes, both Trey Glenn and Jim Guilliford are in attendance. I am unaware at what times they will be participating.

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie  
**Sent:** Thursday, May 31, 2018 4:59 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** RE: Delta Council

Millan, So there were no regional employees, including the regional administrators? I want to make sure to account for all EPA employees and coordinate with regional ethics officials if need be. Thanks! Jennie for OGC/Ethics

**From:** Hupp, Millan  
**Sent:** Thursday, May 31, 2018 4:24 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: Delta Council

I'm sorry! Please see attached updated version. I had the incorrect donor for the lunch today.

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie  
**Sent:** Thursday, May 31, 2018 3:43 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** RE: Delta Council

Funny. I thought I misspelled your name, but I realize I didn't until I said I did! I'm sorry again, Millan! (and this time it's right!).  
Jennie for OGC/Ethics

**From:** Hupp, Millan  
**Sent:** Thursday, May 31, 2018 3:16 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>  
**Subject:** RE: Delta Council

Thank you Jennie. Just light refreshments.

Millan Hupp  
Director of Scheduling and Advance

Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie  
**Sent:** Thursday, May 31, 2018 3:15 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Kunderinger, Kelly <[kunderinger.kelly@epa.gov](mailto:kunderinger.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>  
**Subject:** RE: Delta Council

Hi Milan,

I'm sorry I misspelled your name in my earlier email. I have one clarifying question:

For the business roundtable on June 1 at 9:00am, is there a meal offered? or just light refreshments?

Thanks!

Jennie for OGC/Ethics

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**Sent:** Thursday, May 31, 2018 3:00 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
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1. All transportation is being conducted by PSD for the Administrator. Staff have rental cars.
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In this situation, I checked, and the Delta Council is indeed a federally registered lobbyist. Therefore, the Administrator (as well as the other political appointees) cannot accept any gifts whatsoever from this entity. The prohibited gifts include transportation, receptions and some meals. In reviewing the schedule you sent, I have made the following notes:

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Business Roundtable	Who is sponsoring this event?	Even if refreshments are offered, the EPA attendees may accept. Refreshments offered as other than a meal are not considered gifts.
Delta Council Meeting		This is a meeting sponsored by a federally registered lobbyist.
Delta Council Lunch	Assuming that lobbyist is paying for this lunch	This event does not appear to involve any speaking opportunity, is not a widely attended gathering, and is sponsored by a federally registered lobbyist. NO exception to the lobbying gift ban. The Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the Agency to

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Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Hupp, Millan

**Sent:** Wednesday, May 30, 2018 7:36 PM

**To:** Fugh, Justina <Fugh.Justina@epa.gov>

**Cc:** Kundinger, Kelly <kundinger.kelly@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>

**Subject:** Delta Council

Justina,

In an effort to memorialize our conversation from earlier, I've attached the agenda for the Delta Council. The three gifts we discussed were the lunch on Thursday, May 31<sup>st</sup> totaling \$11, the reception on Thursday, May 31<sup>st</sup> totaling \$11, and the lunch on Friday, June 1<sup>st</sup> totaling \$16.

The Delta Council was heavily involved in organizing each one of these events on Thursday and Friday with the Administrator being the guest of honor at each one. As I understand from our conversation, the Administrator can accept the gift of both the lunch on Thursday and the lunch on Friday as they both involve remarks and the discussion of EPA business.

As for the reception on Thursday, kindly offer guidance based off the information provided. Hors d'oeuvres will be provided though the Administrator is not expected to be eating. This event is hosted by the Delta Council and invited guests are made up of primarily elected officials. How shall we proceed with the handling of this gift?

Please let me know what additional questions I may answer.

Thank you,  
Millan

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**Cody, Karen**

---

**From:** Benjamin, Deborah  
**Sent:** Monday, June 4, 2018 12:20 PM  
**To:** Jenkins, Brandi  
**Cc:** Keith, Jennie; Sheesley, John  
**Subject:** FW: Regional Administrator Travel/Gifts  
**Attachments:** Delta Council.docx; Draft LxL - Delta Council (003).pdf

Hi Brandi:

Per Jennie's query below, we informed her that R4 Ethics was not consulted about the travel to Mississippi (5/31/18-6/1/18, agenda attached, and referenced below). Can you please provide the relevant details so that she may complete the travel schedule (first attachment) to account for all EPA employees, including R4 employees?

Please provide the following information:

Did R4 employees participate on 5/31/18 only, or on both days?

Please provide each leg of travel for each R4 employee, and who paid for it.

Were ethics travel forms completed? for whom? covering what?

Which R4 employees participated in the lunch with Delta Council/Delta F.A.R.M. at Hopson Commissary on 5/31/18? (per the agenda Trey was at the Administrator's table. Did he speak?)

Who paid for transportation there? who paid for that lunch?

Who paid for R4 employees' transportation to the Omega Planting Company Cotton Field on 5/31/18? (per the agenda Trey delivered brief remarks, and you, Blake and Davina were in attendance)

Did R4 employees participate in the Delta Council Reception on 5/31/18?

Please feel free to contact me if you have any questions. Thanks

Deborah Benjamin  
Associate Regional Council  
404-562-9561

**From:** Keith, Jennie  
**Sent:** Friday, June 01, 2018 2:32 PM  
**To:** Borromeo, Karina ; Benjamin, Deborah  
**Subject:** Regional Administrator Travel/Gifts

Hey there you two!

It appears your RA was traveling with the Administrator this week. I'm accounting for all gifts and wanted to know if you were brought in to provide advice and what advice you provided. Attached is the line by line travel schedule and I made

a table to account for all EPA employees. Would you add your employees to it, too, along with respective information/advice?

Thanks!  
Jennie for OGC/Ethics

**From:** Hupp, Millan  
**Sent:** Thursday, May 31, 2018 5:01 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: Delta Council

It is my understanding that their regional offices have already accounted for their meals but yes, both Trey Glenn and Jim Guilliford are in attendance. I am unaware at what times they will be participating.

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**From:** Keith, Jennie  
**Sent:** Thursday, May 31, 2018 4:59 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** RE: Delta Council

Millan, So there were no regional employees, including the regional administrators? I want to make sure to account for all EPA employees and coordinate with regional ethics officials if need be. Thanks! Jennie for OGC/Ethics

**From:** Hupp, Millan  
**Sent:** Thursday, May 31, 2018 4:24 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: Delta Council

I'm sorry! Please see attached updated version. I had the incorrect donor for the lunch today.

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**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** RE: Delta Council

Funny. I thought I misspelled your name, but I realize I didn't until I said I did! I'm sorry again, Millan! (and this time it's right!).  
Jennie for OGC/Ethics

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**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Kunderinger, Kelly <kunderinger.kelly@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>  
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Thank you Jennie. Just light refreshments.

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Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)





DRAFT

Prepared by: Advance

U.S Environmental Protection Agency  
Washington, D.C.  
**ADMINISTRATOR SCOTT PRUITT**  
Clarksdale, MS / Cleveland, MS  
Staff: Troy, Christian, Stephen and Kelsi  
Staff Advance: Kelly

**Thursday, May 31<sup>st</sup>, 2018**

(Clarksdale, MS / Cleveland, MS)  
Staff: Troy, Christian, Stephen and Kelsi  
Staff Advance: Kelly  
Temperature: 93, 10% chance of rain  
Daily Per Diem Rate: \$38.25  
Dress Code: Casual / Business

08:45AM – 10:21AM	<b>DCA – MEM</b> <b>AA 5057</b> Staff: Troy and Kelsi Agency Record Locator: VB4FWU Airline Record Locator: IJYMFV
10:30AM – 12:00PM	<b>Depart for Hopson Commissary</b> Location: Commissary Circle Road, Clarksdale, MS 38614 Staff: Troy and Kelsi <i>Note: 75 miles; 1.20-hour drive time</i>
12:00PM – 01:30PM	<b>Lunch with Delta Council and Delta F.A.R.M. Leadership</b> Location: Hopson Commissary Attendees: 30 Administrator's table: <ul style="list-style-type: none"><li>- Trey Glenn, Region 4 Administrator</li><li>- Jim Gulliford, Region 7 Administrator</li><li>- Dick Flowers, Owner, Omega Planting Company</li><li>- Bowen Flowers, Owner, Omega Planning Company</li><li>- George King, President, Delta Council</li><li>- Dan Branton, Chairman, Delta F.A.R.M.</li></ul> Press: Closed Staff: Troy, Christian, Stephen and Kelsi
01:30PM – 02:15PM	<b>EPA Grant Announcement</b> Location: Omega Planting Company Cotton Field Run of Show: <ul style="list-style-type: none"><li>- Bowen Flowers introduces Trey Glenn</li><li>- Trey Glenn delivers brief remarks</li><li>- Trey Glenn introduces Jim Gulliford</li><li>- Bowen Flowers introduces the Administrator</li><li>- The Administrator delivers brief remarks</li><li>- The Administrator presents B.F. Smith Foundation with a check</li></ul>

- The Administrator presents the Iowa Department of Agriculture and Land Stewardship with a check
- The Administrator partakes in a photo opportunity
- The Grant Announcement event concludes

*Note: Trey Glenn, Jim Gulliford and Bowen Flowers will remain on stage for the presentation of the grant checks.*

**Attendees:**

- Governor Phil Bryant
- Trey Glenn, Region 4 Administrator
- Jim Gulliford, Region 7 Administrator
- Brandi Jenkins, Special Assistant to the Administrator, Region 4
- Blake Ashbee, Chief of Staff, EPA Region 4
- Davina Marraccini, Government Liaison, EPA Region 4
- Dan Branton, Chairman, Delta F.A.R.M.
- Chad Brock, Retailer, Seed Sales
- Andy Brown, MS Farm Bureau Federation
- Dan Campbell, Delta F.A.R.M. Sponsor
- Woods Eastland, Incoming President, Delta Council
- Bowen Flowers, Delta Council Executive Member
- Dick Flowers, Omega Planting Company
- Mattson Flowers, Prairie Farms
- Scott Flowers, Mattson Farms
- Donald Gant, Gant and Sons Farms
- Andy Gipson, Commissioner, MS Department of Ag and Commerce
- Michael Harper, Southern Crops. FMC Corporation
- Tripp Hayes, Ellendale Land Company
- Cliff Heaton, Bobo Moseley Gin Company
- Pete Hunter, Stovall Farms II
- Gene Hurt, Seed and Crop Protection Materials
- Patrick Johnson, Chairman, National Cotton Council, Environmental Task Force
- Matt Lechtenberg, Water Quality Initiative Coordinator, Iowa Department of Ag & Land Stewardship
- Michael Ledlow, Director of Bureau of Plant Industry, MS Department of Agriculture and Commerce
- Chris McDonald, Director of Environmental Affairs, MS Department of Agriculture and Commerce
- Julie McLemore, Deputy Commissioner, MS Department of Agriculture and Commerce
- Troy Pierce, Senior Scientist, GOMP
- Lakeisha Robertson, Acting Director, GOMP
- John Rounsaville, State Director, USDA – Rural Development
- Doug Rushing, Monsanto, Director, Southern Crops.
- Jeff Smith, Industry Affairs Manager, Southern Crops, Valent
- Reed Trusty, Local Seed Company
- Will Weathers, Farmers Grain Terminal, Delta F.A.R.M. Sponsor
- Danny Wiegand, Environmental Engineer, GOMP Program
- Jack Winstead, Chairman, Commission on Environmental Quality

	<p>Staff: Troy, Christian, Stephen and Kelsi</p>
<p>02:15PM – 03:00PM</p>	<p><b>Pollinator Health and Water Quality Project Tour</b>  Location: Big River Farms  Note: this is a project that is benefitting from the grant money</p> <p>Attendees:</p> <ul style="list-style-type: none"> <li>- Dan Branton, Chairman, Delta F.A.R.M.</li> <li>- Dr. Jeff Gore, Entomologist, Mississippi State University</li> <li>- Dr. Jeff Harris, Apiologist, MS Department of Ag. and Commerce</li> <li>- Trey Cooke, Staff, Delta F.A.R.M.</li> <li>- Dan Prevost, Staff, Delta F.A.R.M.</li> </ul> <p>Run of Show:</p> <ul style="list-style-type: none"> <li>- Don Branton welcomes attendees and delivers a brief introduction</li> <li>- Dr. Jeff Gore and Dr. Jeff Harris give an overview of pollinator issues in agricultural systems</li> <li>- Trey Cooke and Dan Prevost give an overview of water quality projects in agricultural systems</li> <li>- Dan Branton moderates a discussion about pollinator issues and water quality projects in agricultural systems</li> </ul> <p>Press: Open  Staff: Troy, Christian, Stephen and Kelsi</p>
<p>03:00PM – 03:35PM</p>	<p><b>Depart for Hotel</b>  Location: 808 North Davis Avenue, Cleveland, MS 38732  Staff: Troy and Kelsi  Note: 37 miles; 35-minute drive time</p>
<p>03:35PM – 05:30PM</p>	<p><b>Executive Time</b></p>
<p>05:30PM – 06:00PM</p>	<p><b>Depart for Delta Council Reception</b>  Location: 433 Stoneville Road, Leland, MS 38756  Staff: Troy and Kelsi  Note: 28 miles; 30-minute drive time</p>
<p>06:00PM – 07:00PM</p>	<p><b>Delta Council Reception</b>  Attendees: 200 statewide elected officials  Press: Closed  Staff: Troy and Kelsi  Note: This is an opportunity to meet and visit with local elected officials.</p>
<p>07:00PM – 07:30PM</p>	<p><b>Depart for Hotel</b>  Location: 808 North Davis Avenue, Cleveland, MS 38732  Staff: Troy and Kelsi  Note: 28 miles; 30-minute drive time</p>
<p>RON</p>	<p><b>Holiday Inn Express Suites</b>  Staff: Troy, Christian, Stephen, Kelsi, Kelly</p>

DRAFT

Prepared by: Advance

**Friday, June 1<sup>st</sup>, 2018**

(Clarksdale, MS / Cleveland, MS)

Staff: Troy, Christian, Stephen and Kelsi

Staff Advance: Kelly

Temperature: 95, 10% chance of rain

Daily Per Diem Rate: \$38.25

Dress Code: Business

08:50AM – 08:55AM	<b>Depart for Kent Wyatt Administration Building</b> Location: Highway 8 West, Cleveland, MS 38733 Staff: Troy and Kelsi <i>Note: 1.9; 5-minute drive time</i>
09:00AM – 10:00AM	<b>Business Roundtable</b> Run of Show: <ul style="list-style-type: none"><li>- Governor Bryant delivers brief remarks</li><li>- Governor Bryant introduces the Administrator</li><li>- The Administrator delivers brief remarks</li><li>- The Administrator partakes in a roundtable discussion</li></ul> Attendees: <ul style="list-style-type: none"><li>- Governor Phil Bryant</li><li>- Senator Roger Wicker</li><li>- Senator Cindy Hyde-Smith</li><li>- Lt. Governor Tate Reeves</li><li>- Richard Kaiser, Commander, Mississippi River Commission</li><li>- Kevin Kennedy, Acting State Conservationist, Natural Resources Conservation Service – USDA</li><li>- Dan Branton, Chairman, Delta F.A.R.M.</li><li>- Ron Cassada, County Engineer</li><li>- Tim Clements, Farmer</li><li>- Trey Davis, Monsanto</li><li>- Woods Eastland, President-Elect, Delta Council</li><li>- Bowen Flowers, Delta Council Executive Committee, Farmer</li><li>- Jeff Gore, Entomologist, Delta Research and Extension Center, Mississippi State University</li><li>- Walton Gresham, Chairman, Highways and Transportation Infrastructure Committee, Delta Council</li><li>- Dick Hall, Transportation Commissioner, Central District</li><li>- Michael Harper, FMC Corporation</li><li>- Larry Killebrew, Southern AgCredit</li><li>- Will Hooker, Bolivar County Administrator</li><li>- Gene Hurt, Retailer, Seed and Crop Protection Materials</li><li>- Patrick Johnson, National Cotton Council Chairman, Environmental Task Force</li><li>- George King, President, Delta Council</li><li>- Wade Litton, John Deere Implement Dealer</li><li>- Mike McCormick, President, Mississippi Farm Bureau Federation</li><li>- Johnny McRight, Formulator, Crop Protection Materials</li><li>- Charles Michell, Local Seed Company</li></ul>

	<ul style="list-style-type: none"> <li>- Rex Morgan, Yazoo Water Management District, Board of Directors</li> <li>- Lester Myers, President / CEO, Indi-Bel, Inc.</li> <li>- Peter Nimrod, Chief Engineer, Mississippi Levee Board</li> <li>- Mark Seard, Tax Assessor</li> <li>- Gibb Steele, USA Rice Foundation</li> <li>- Archie Tucker, Director, Southeast Area, USDA-Agricultural Research Service</li> <li>- Louis Poindexter, Seed and Crop Protection Materials</li> <li>- Jack Winstead, Chairman, Commission on Environmental Quality</li> </ul> <p>Press: Closed Staff: Troy, Christian, Stephen and Kelsi</p>
10:15AM – 12:00PM	<p><b>Delta Council Meeting</b></p> <p>Run of Show:</p> <ul style="list-style-type: none"> <li>- Welcome and Opening Remarks by George King, President, Delta Council</li> <li>- Presentation of Colors and Anthem</li> <li>- Recognition of 2018 Good Middling Recipient</li> <li>- Recognition of 2018 Delta Honor Graduate</li> <li>- Introduction of 2018-2019 Delta Council Officers</li> <li>- George King introduces the Administrator</li> <li>- The Administrator delivers remarks</li> <li>- The meeting concludes</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>- 2,500 Delta Council Members and guests</li> </ul> <p>Staff: Troy, Christian, Stephen and Kelsi <i>Note: Hold is in the Green Room</i></p>
12:00PM – 01:00PM	<p><b>Delta Council Lunch</b></p> <p>Staff: Stephen and Kelly <i>Note: The Administrator will be seated at a table with other members of the Delta Council panel.</i></p>
12:00PM – 02:00PM	<p><b>Depart for Airport</b></p> <p>Staff: Troy and Kelsi <i>Note: 112 miles; 1.55-hour drive time</i></p>

**Cody, Karen**

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**From:** Jenkins, Brandi  
**Sent:** Monday, June 4, 2018 12:35 PM  
**To:** Benjamin, Deborah  
**Cc:** Keith, Jennie; Sheesley, John; Robertson, Lakeshia; Ashbee, Blake; Hudson, Wanda  
**Subject:** Re: Regional Administrator Travel/Gifts

Deborah,

I will get you the information. In summary, this was part of a Mississippi trip Trey already had planned (mtgs with MDEQ, Superfund site tour and mtg, business round table, and the grant event); therefore, we didn't coordinate with your office. The grants were awarded out of our Gulf of Mexico Program Office, which is managed by Region 4. Trey did speak at the grant event.

Region 4 attendees:

Trey Glenn  
Blake Ashbee  
Brandi Jenkins  
Davina Marraccini

Gulf of Mexico attendees:

LaKeshia Robertson  
Troy Pierce  
Danny Wiegand  
Jeanne Allen

I'm copying LaKeshia so she can coordinate the details of Jeanne's travel as she supported the Administrator's office for the duration of the trip.

Also, Region 4 attendees paid all of our own travel. We haven't had a chance to complete our voucher but the cost of lunch will be subtracted from our meal allotment.

Brandi Jenkins, Special Assistant  
Office of the Regional Administrator  
U.S. Environmental Protection Agency- Region 4  
Office: 404-562-9124  
Cell: 678-575-2148

Sent from my iPhone

On Jun 4, 2018, at 11:19 AM, Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)> wrote:

Hi Brandi:

Per Jennie's query below, we informed her that R4 Ethics was not consulted about the travel to Mississippi (5/31/18-6/1/18, agenda attached, and referenced below). Can you please provide the relevant details so that she may complete the travel schedule (first attachment) to account for all EPA employees, including R4 employees?

Please provide the following information:

Did R4 employees participate on 5/31/18 only, or on both days?  
Please provide each leg of travel for each R4 employee, and who paid for it.  
Were ethics travel forms completed? for whom? covering what?  
Which R4 employees participated in the lunch with Delta Council/Delta F.A.R.M. at Hopson Commissary on 5/31/18? (per the agenda Trey was at the Administrator's table. Did he speak?)  
Who paid for transportation there? who paid for that lunch?  
Who paid for R4 employees' transportation to the Omega Planting Company Cotton Field on 5/31/18? (per the agenda Trey delivered brief remarks, and you, Blake and Davina were in attendance)  
Did R4 employees participate in the Delta Council Reception on 5/31/18?  
Please feel free to contact me if you have any questions. Thanks  
Deborah Benjamin  
Associate Regional Council  
404-562-9561

**From:** Keith, Jennie

**Sent:** Friday, June 01, 2018 2:32 PM

**To:** Borromeo, Karina <[Borromeo.Karina@epa.gov](mailto:Borromeo.Karina@epa.gov)>; Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>

**Subject:** Regional Administrator Travel/Gifts

Hey there you two!

It appears your RA was traveling with the Administrator this week. I'm accounting for all gifts and wanted to know if you were brought in to provide advice and what advice you provided. Attached is the line by line travel schedule and I made a table to account for all EPA employees. Would you add your employees to it, too, along with respective information/advice?

Thanks!

Jennie for OGC/Ethics

**From:** Hupp, Millan

**Sent:** Thursday, May 31, 2018 5:01 PM

**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>

**Subject:** RE: Delta Council

It is my understanding that their regional offices have already accounted for their meals but yes, both Trey Glenn and Jim Guilliford are in attendance. I am unaware at what times they will be participating.

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator

Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie

**Sent:** Thursday, May 31, 2018 4:59 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>

**Subject:** RE: Delta Council

Millan, So there were no regional employees, including the regional administrators? I want to make sure to account for all EPA employees and coordinate with regional ethics officials if need be. Thanks! Jennie for OGC/Ethics

**From:** Hupp, Millan

**Sent:** Thursday, May 31, 2018 4:24 PM

**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>

**Subject:** RE: Delta Council

I'm sorry! Please see attached updated version. I had the incorrect donor for the lunch today.

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator

Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)



**From:** Keith, Jennie

**Sent:** Thursday, May 31, 2018 3:43 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>

**Subject:** RE: Delta Council

Funny. I thought I misspelled your name, but I realize I didn't until I said I did! I'm sorry again, Millan!  
(and this time it's right!).  
Jennie for OGC/Ethics

**From:** Hupp, Millan

**Sent:** Thursday, May 31, 2018 3:16 PM

**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Kunderinger, Kelly <[kunderinger.kelly@epa.gov](mailto:kunderinger.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>

**Subject:** RE: Delta Council

Thank you Jennie. Just light refreshments.

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator

Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie

**Sent:** Thursday, May 31, 2018 3:15 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Kunderinger, Kelly <[kunderinger.kelly@epa.gov](mailto:kunderinger.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>

**Subject:** RE: Delta Council

Hi Milan,

I'm sorry I misspelled your name in my earlier email. I have one clarifying question:  
For the business roundtable on June 1 at 9:00am, is there a meal offered? or just light refreshments?  
Thanks!

Jennie for OGC/Ethics

**From:** Keith, Jennie

**Sent:** Thursday, May 31, 2018 3:00 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Kunderinger, Kelly <[kunderinger.kelly@epa.gov](mailto:kunderinger.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>

**Subject:** RE: Delta Council

Hi Millan,

Would your office complete this table I put together so that we can track which employees participated in which events and make sure that we follow through to clear all ethics issues? Please make sure to include all employees and whether they were an active participant (e.g., guest of the event) or staffing the event.

Also, in the original request, Delta Council provides a speaker's gift. When I inquired about the gift it is a piece of locally-famed pottery valued around \$50. The Administrator may not accept the speaker's gift unless he pays for it.

Thanks!

Jennie for OGC/Ethics

**From:** Hupp, Millan

**Sent:** Thursday, May 31, 2018 11:41 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Kunderinger, Kelly <[kunderinger.kelly@epa.gov](mailto:kunderinger.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>

**Subject:** RE: Delta Council

Thank you Justina.

1. All transportation is being conducted by PSD for the Administrator. Staff have rental cars.
2. Let's say all the employees do not want to pay for the meal (lunch and reception on 31<sup>st</sup>), what is the appropriate next step? Would they each have to complete one of the ethics forms we were discussing yesterday and that form would be included attached to their voucher?
3. The business roundtable was put together by the Region and by Delta Council. I just want to confirm that all EPA employees may accept refreshments (coffee, pop, water, tea) but not a meal?
4. The Delta Council lunch and Delta Council meeting are all one event and is open to all attendees. With that information, is this a meal that EPA employees may accept as a gift?
5. Staff is there to work on behalf of the Administrator and therefore may not eat. How do we address such situations.

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Fugh, Justina

**Sent:** Thursday, May 31, 2018 9:48 AM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>

**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>

**Subject:** RE: Delta Council

Hi Millan,

Thank you for sending the actual agenda. This is the sort of information that we had gotten from previous Administrators in order to provide full and complete ethics advice. We can now see who else will be in attendance so that we can provide other political appointees with advice to ensure that they also do not fall afoul of the lobbyist gift rules.

In this situation, I checked, and the Delta Council is indeed a federally registered lobbyist. Therefore, the Administrator (as well as the other political appointees) cannot accept any gifts whatsoever from this entity. The prohibited gifts include transportation, receptions and some meals. In reviewing the schedule you sent, I have made the following notes:

EVENT	QUESTIONS	ETHICS RECOMMENDATION
Depart for Hopson Commissary	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Lunch with Delta Council and Delta FARM leadership	Who is paying for the lunch? How much is it?	All political appointees are subject to the ethics pledge (Pruitt, Glenn, Gulliford, Lyons, Daniell, Palich, Kunding). Not all of them will be speaking or otherwise presenting information on behalf of EPA. This lunch is not part of the overall event. Therefore, OGC/Ethics recommends that all EPA employees pay for this meal (not accept it as a gift) and then claim per diem for this meal.

Pollinator Health and Water Quality Project Tour	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Hotel	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Delta Council Reception	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Delta Council Reception		This event, although possibly a widely attended gathering, is sponsored by a federally registered lobbyist, so IS NO exception to the lobbying gift ban. The Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the Agency to accept the gift instead (but then they cannot claim per diem for the meal).
Depart for Hotel	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Kent Wyatt Administration Building	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Business Roundtable	Who is sponsoring this event?	Even if refreshments are offered, the EPA attendees may accept. Refreshments offered as other than a meal are not considered gifts.
Delta Council Meeting		This is a meeting sponsored by a federally registered lobbyist.
Delta Council Lunch	Assuming that lobbyist is paying for this lunch	This event does not appear to involve any speaking opportunity, is not a widely attended gathering, and is sponsored by a federally registered lobbyist. NO

		exception to the lobbying gift ban. The Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the Agency to accept the gift instead (but then they cannot claim per diem for the meal).
Depart for Airport	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.

Justina  
 Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Hupp, Millan  
**Sent:** Wednesday, May 30, 2018 7:36 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Kundinger, Kelly <[kundinger.kelly@epa.gov](mailto:kundinger.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>  
**Subject:** Delta Council

Justina,  
 In an effort to memorialize our conversation from earlier, I've attached the agenda for the Delta Council. The three gifts we discussed were the lunch on Thursday, May 31<sup>st</sup> totaling \$11, the reception on Thursday, May 31<sup>st</sup> totaling \$11, and the lunch on Friday, June 1<sup>st</sup> totaling \$16. The Delta Council was heavily involved in organizing each one of these events on Thursday and Friday with the Administrator being the guest of honor at each one. As I understand from our conversation, the Administrator can accept the gift of both the lunch on Thursday and the lunch on Friday as they both involve remarks and the discussion of EPA business. As for the reception on Thursday, kindly offer guidance based off the information provided. Hors d'oeuvres will be provided though the Administrator is not expected to be eating. This event is hosted by the Delta Council and invited guests are made up of primarily elected officials. How shall we proceed with the handling of this gift?  
 Please let me know what additional questions I may answer.

Thank you,  
 Millan  
 Millan Hupp  
 Director of Scheduling and Advance  
 Office of the Administrator  
 Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**Cody, Karen**

**From:** Jenkins, Brandi  
**Sent:** Monday, June 4, 2018 12:39 PM  
**To:** Benjamin, Deborah  
**Cc:** Keith, Jennie; Sheesley, John; Robertson, Lakeshia; Ashbee, Blake; Hudson, Wanda  
**Subject:** Re: Regional Administrator Travel/Gifts

Also, Region 4 attendees only participated in the Thursday afternoon grant event.

LaKeshia can get you the information for Gulf of Mexico attendees.

Brandi Jenkins, Special Assistant  
Office of the Regional Administrator  
U.S. Environmental Protection Agency- Region 4  
Office: 404-562-9124  
Cell: 678-575-2148

Sent from my iPhone

On Jun 4, 2018, at 11:34 AM, Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)> wrote:  
Deborah,

I will get you the information. In summary, this was part of a Mississippi trip Trey already had planned (mtgs with MDEQ, Superfund site tour and mtg, business round table, and the grant event); therefore, we didn't coordinate with your office. The grants were awarded out of our Gulf of Mexico Program Office, which is managed by Region 4. Trey did speak at the grant event.

Region 4 attendees:

Trey Glenn  
Blake Ashbee  
Brandi Jenkins  
Davina Marraccini

Gulf of Mexico attendees:

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Troy Pierce  
Danny Wiegand  
Jeanne Allen

I'm copying LaKeshia so she can coordinate the details of Jeanne's travel as she supported the Administrator's office for the duration of the trip.

Also, Region 4 attendees paid all of our own travel. We haven't had a chance to complete our voucher but the cost of lunch will be subtracted from our meal allotment.

Brandi Jenkins, Special Assistant  
Office of the Regional Administrator

U.S. Environmental Protection Agency- Region 4  
Office: 404-562-9124  
Cell: 678-575-2148

Sent from my iPhone

On Jun 4, 2018, at 11:19 AM, Benjamin, Deborah <Benjamin.Deborah@epa.gov> wrote:

Hi Brandi:

Per Jennie's query below, we informed her that R4 Ethics was not consulted about the travel to Mississippi (5/31/18-6/1/18, agenda attached, and referenced below). Can you please provide the relevant details so that she may complete the travel schedule (first attachment) to account for all EPA employees, including R4 employees?

Please provide the following information:

Did R4 employees participate on 5/31/18 only, or on both days?

Please provide each leg of travel for each R4 employee, and who paid for it.

Were ethics travel forms completed? for whom? covering what?

Which R4 employees participated in the lunch with Delta Council/Delta F.A.R.M. at Hopson Commissary on 5/31/18? (per the agenda Trey was at the Administrator's table.

Did he speak?)

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Davina were in attendance)

Did R4 employees participate in the Delta Council Reception on 5/31/18?

Please feel free to contact me if you have any questions. Thanks

Deborah Benjamin

Associate Regional Council

404-562-9561

**From:** Keith, Jennie

**Sent:** Friday, June 01, 2018 2:32 PM

**To:** Borromeo, Karina <Borromeo.Karina@epa.gov>; Benjamin, Deborah <Benjamin.Deborah@epa.gov>

**Subject:** Regional Administrator Travel/Gifts

Hey there you two!

It appears your RA was traveling with the Administrator this week. I'm accounting for all gifts and wanted to know if you were brought in to provide advice and what advice you provided. Attached is the line by line travel schedule and I made a table to account for all EPA employees. Would you add your employees to it, too, along with respective information/advice?

Thanks!

Jennie for OGC/Ethics

**From:** Hupp, Millan

**Sent:** Thursday, May 31, 2018 5:01 PM

**To:** Keith, Jennie <Keith.Jennie@epa.gov>

**Subject:** RE: Delta Council

It is my understanding that their regional offices have already accounted for their meals but yes, both Trey Glenn and Jim Guilliford are in attendance. I am unaware at what times they will be participating.

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie

**Sent:** Thursday, May 31, 2018 4:59 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>

**Subject:** RE: Delta Council

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**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>

**Subject:** RE: Delta Council

I'm sorry! Please see attached updated version. I had the incorrect donor for the lunch today.

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator

Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie

**Sent:** Thursday, May 31, 2018 3:43 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>

**Subject:** RE: Delta Council

Funny. I thought I misspelled your name, but I realize I didn't until I said I did! I'm sorry again, Millan! (and this time it's right!).  
Jennie for OGC/Ethics

**From:** Hupp, Millan

**Sent:** Thursday, May 31, 2018 3:16 PM

**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>

**Subject:** RE: Delta Council

Thank you Jennie. Just light refreshments.

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator

Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Keith, Jennie

**Sent:** Thursday, May 31, 2018 3:15 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Davis, Gail <[Davis.Gail@epa.gov](mailto:Davis.Gail@epa.gov)>

**Subject:** RE: Delta Council

Hi Milan,

I'm sorry I misspelled your name in my earlier email. I have one clarifying question: For the business roundtable on June 1 at 9:00am, is there a meal offered? or just light refreshments?

Thanks!

Jennie for OGC/Ethics

**From:** Keith, Jennie

**Sent:** Thursday, May 31, 2018 3:00 PM

**To:** Hupp, Millan <hupp.millan@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Kunderinger, Kelly <kunderinger.kelly@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>;  
Davis, Gail <Davis.Gail@epa.gov>  
**Subject:** RE: Delta Council

Hi Millan,

Would your office complete this table I put together so that we can track which employees participated in which events and make sure that we follow through to clear all ethics issues? Please make sure to include all employees and whether they were an active participant (e.g., guest of the event) or staffing the event. Also, in the original request, Delta Council provides a speaker's gift. When I inquired about the gift it is a piece of locally-famed pottery valued around \$50. The Administrator may not accept the speaker's gift unless he pays for it.

Thanks!

Jennie for OGC/Ethics

**From:** Hupp, Millan

**Sent:** Thursday, May 31, 2018 11:41 AM

**To:** Fugh, Justina <Fugh.Justina@epa.gov>

**Cc:** Kunderinger, Kelly <kunderinger.kelly@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>;  
Keith, Jennie <Keith.Jennie@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>

**Subject:** RE: Delta Council

Thank you Justina.

1. All transportation is being conducted by PSD for the Administrator. Staff have rental cars.
2. Let's say all the employees do not want to pay for the meal (lunch and reception on 31<sup>st</sup>), what is the appropriate next step? Would they each have to complete one of the ethics forms we were discussing yesterday and that form would be included attached to their voucher?
3. The business roundtable was put together by the Region and by Delta Council. I just want to confirm that all EPA employees may accept refreshments (coffee, pop, water, tea) but not a meal?
4. The Delta Council lunch and Delta Council meeting are all one event and is open to all attendees. With that information, is this a meal that EPA employees may accept as a gift?
5. Staff is there to work on behalf of the Administrator and therefore may not eat. How do we address such situations.

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator

Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

**From:** Fugh, Justina

**Sent:** Thursday, May 31, 2018 9:48 AM

**To:** Hupp, Millan <hupp.millan@epa.gov>

**Cc:** Kunderinger, Kelly <kunderinger.kelly@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>;  
Keith, Jennie <Keith.Jennie@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>

**Subject:** RE: Delta Council

Hi Millan,

Thank you for sending the actual agenda. This is the sort of information that we had gotten from previous Administrators in order to provide full and complete ethics advice. We can now see who else will be in attendance so that we can provide other political appointees with advice to ensure that they also do not fall afoul of the lobbyist gift rules.



In this situation, I checked, and the Delta Council is indeed a federally registered lobbyist. Therefore, the Administrator (as well as the other political appointees) cannot accept any gifts whatsoever from this entity. The prohibited gifts include transportation, receptions and some meals. In reviewing the schedule you sent, I have made the following notes:

EVENT	QUESTIONS	ETHICS RECOMMENDATION
Depart for Hopson Commissary	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who rides from a non-federal source must contact OGC/Ethics for ethics approval IN ADVANCE of the trip.
Lunch with Delta Council and Delta FARM leadership	Who is paying for the lunch? How much is it?	All political appointees are subject to the ethics pledge (Pruitt, Glenn, G. Lyons, Daniell, Palich, Kunding, etc.) and none of them will be speaking or otherwise presenting information on behalf of the EPA. This lunch is not part of the overall trip. Therefore, OGC/Ethics recommends that all EPA employees pay for this meal (and then claim it as a gift) and then claim per diem for this meal.
Pollinator Health and Water Quality Project Tour	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who rides from a non-federal source must contact OGC/Ethics for ethics approval IN ADVANCE of the trip.
Depart for Hotel	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who rides from a non-federal source must contact OGC/Ethics for ethics approval IN ADVANCE of the trip.
Depart for Delta Council Reception	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who rides from a non-federal source must contact OGC/Ethics for ethics approval IN ADVANCE of the trip.
Delta Council Reception		This event, although possibly a work-related attended gathering, is sponsored by a federally registered lobbyist, so I recommend an exception to the lobbying gift ban. The Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the Administrator to accept the gift.

		accept the gift instead (but then cannot claim per diem for the m
Depart for Hotel	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who arrives from a non-federal source will need to contact OGC/Ethics for ethics approval IN ADVANCE of the trip
Depart for Kent Wyatt Administration Building	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who arrives from a non-federal source will need to contact OGC/Ethics for ethics approval IN ADVANCE of the trip
Business Roundtable	Who is sponsoring this event?	Even if refreshments are offered attendees may accept. Refreshments offered as other than a meal are considered gifts.
Delta Council Meeting		This is a meeting sponsored by a registered lobbyist.
Delta Council Lunch	Assuming that lobbyist is paying for this lunch	This event does not appear to be a speaking opportunity, is not a widely attended gathering, and is sponsored by a federally registered lobbyist. NO exception to the lobbying gift ban. Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the lobbyist to accept the gift instead (but then cannot claim per diem for the meal)
Depart for Airport	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who arrives from a non-federal source will need to contact OGC/Ethics for ethics approval IN ADVANCE of the trip

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Hupp, Millan

**Sent:** Wednesday, May 30, 2018 7:36 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>

**Subject:** Delta Council

Justina,

In an effort to memorialize our conversation from earlier, I've attached the agenda for the Delta Council. The three gifts we discussed were the lunch on Thursday, May 31<sup>st</sup> totaling \$11, the reception on Thursday, May 31<sup>st</sup> totaling \$11, and the lunch on Friday, June 1<sup>st</sup> totaling \$16.

The Delta Council was heavily involved in organizing each one of these events on Thursday and Friday with the Administrator being the guest of honor at each one. As I understand from our conversation, the Administrator can accept the gift of both the lunch on Thursday and the lunch on Friday as they both involve remarks and the discussion of EPA business.

As for the reception on Thursday, kindly offer guidance based off the information provided. Hors d'oeuvres will be provided though the Administrator is not expected to be eating. This event is hosted by the Delta Council and invited guests are made up of primarily elected officials. How shall we proceed with the handling of this gift? Please let me know what additional questions I may answer.

Thank you,

Millan

Millan Hupp

Director of Scheduling and Advance

Office of the Administrator

Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

## **Cody, Karen**

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**From:** Rubini, Suzanne  
**Sent:** Friday, June 29, 2018 12:47 PM  
**To:** Walker, Mary; Sheesley, John; Benjamin, Deborah; Wetherington, Michele; Sawyer, Bonnie; Daniels-Lewis, Alicia  
**Subject:** Kevin Minoli visit

Hi all, Kevin Minoli will be visiting the Region on July 31 to discuss ethics issues and, as part of his visit, he would like to meet with the DEOs and the ethics team. He's meeting with Trey from 10 – 11, so please hold 11 – 12 open on your calendars. I'll be sending out a formal invite once I get confirmation on the schedule from Kevin.

Also, prior to Kevin's visit, I'd like to get together with the Ethics Team to discuss Justina's 6-22-18 email requesting regional assistance with the new ethics hotline. Let's shoot for some time during the week prior to his visit. I'll send out an invite.

Thanks everyone,  
Suzanne

**Cody, Karen**

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**From:** Sheesley, John  
**Sent:** Tuesday, August 14, 2018 3:54 PM  
**To:** ethics  
**Subject:** R4 RA Recusal Question  
**Attachments:** Trey Glenn's Recusal Statement.pdf

A question has arisen here in R4 about whether our RA must recuse himself from a matter because of a potential relationship to an entity listed in his recusal statement. Can the ethics staff here in the region issue an opinion on this question, or should OGC be the office to answer it? I think it's something we could handle here, but the language in the recusal statement suggests to me that OGC might need to be involved. Thank you.




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

January 10, 2018

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Onis "Trey" Glenn, III   
Regional Administrator  
Region 4

TO: E. Scott Pruitt  
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any significant financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

## OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **Blue Ridge Consulting, Inc.** and **STRADA Professional Services, LLC**, or any former client to whom I provided services during the past two years is a party or represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties.

RECUSAL LIST In effect until August 27, 2019	
FORMER EMPLOYERS: Blue Ridge Consulting, Inc. STRADA Professional Services, LLC	
FORMER CLIENTS:  Balch & Bingham, LLP Big Sky Environmental Black Mesa Energy Blue Ridge Partners, LLC Business Council of Alabama Conservatives with Courage Drummond Company	  MAP Development, LLC Matrix, LLC Maynard, Cooper & Gale, PC Regional Environmental Solutions STRADA-AECOM Joint Venture Stream Restoration Services Windom-Gallier

## OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

I am advised by OGC/Ethics that Executive Order 13770 defines "former employer" to exclude state or local government entities,<sup>1</sup> and the Office of Government Ethics has determined that the same exclusion applies to the definition of "former client."<sup>2</sup> But as an executive branch

<sup>1</sup> See Exec. Order 13770, Section 2(j), which provides that "'former employer' does not include ... State or local government."

<sup>2</sup> See Office of Government Ethics Legal Advisory 17-02 (February 6, 2017), which states that, "[w]ith respect to Executive Order 13770, ethics officials and employees may continue to rely on OGE's prior guidance regarding Executive Order 13490 to the extent that such guidance addresses language common to both orders," and Office of Government Ethics Legal Advisory DO-09-011 (March 26, 2009), which states that "based on discussions with the White House Counsel's office, OGE has determined that the definition of former client is intended to exclude the same governmental entities as those excluded from the definition of former employer."

employee, I understand that I am also subject to the federal impartiality standards and have a one-year cooling off period with any former client who is a state or local government. Therefore, I will not participate personally and substantially in any particular matter involving specific parties in which **the Birmingham Jefferson County Transit Authority (BJCTA) or the City of Birmingham, Alabama** is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). For federal ethics purposes, I understand that my recusal remains in effect for one year from the date that I last provided services to that client, and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking. My recusal will end with regard to the city of Birmingham and BJCTA on March 8, 2018 and August 29, 2018 respectively. I will consult with OGC/Ethics should a situation arise in which I seek an impartiality determination to authorize my participation in a specific party matter involving the Birmingham Jefferson County Transit Authority or the City of Birmingham.

#### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Blake Ashbee, Region 4 Chief of Staff, to assist in screening EPA matters directed to my attention that involve these entities. All inquiries and comments involving the entities on my recusal list should be directed to Blake Ashbee without my knowledge or involvement until after my recusal period ends.

If Blake Ashbee determines that a particular matter will directly involve any of the entities listed on my "specific party" recusal list, then he/she will refer it for action or assignment to another, without my knowledge or involvement. In the event that he/she is unsure whether an issue is a particular matter from which I am recused, then he/she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

#### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my recusal or screening arrangement, I will provide a copy of the revised recusal statement to you and OGC, including OGC/Ethics.

cc: Ryan Jackson, Chief of Staff  
V. Anne Heard, Deputy Regional Administrator, Region 4  
Blake Ashbee, Chief of Staff, Region 4  
Suzanne Rubini, Acting Regional Counsel, Region 4  
Leif Palmer, Acting Deputy Regional Counsel, Region 4  
John Sheesly, Regional Ethics Counsel, Region 4  
Justina Fugh, Senior Counsel for Ethics



**Cody, Karen**

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**From:** Fugh, Justina  
**Sent:** Thursday, September 6, 2018 2:30 PM  
**To:** Ross, Mary; Palmer, Leif; Sheesley, John; Benjamin, Deborah; Daniels-Lewis, Alicia; Sawyer, Bonnie; Wetherington, Michele  
**Cc:** Keith, Jennie  
**Subject:** (Region 4) Embedding Ethics in the Calendaring Process for Your Regional Administrator  
**Attachments:** OVERVIEW - one-pager on ethics vetting of invitations.pdf; BROCHURE - Engage in Ethics.pdf; Glenn recusal signed 1\_10\_18.pdf

(I have *one* job... forward the emails and cc Jennie. Forgot to cc Jennie. Sheesh!)

Dear Region 4 Ethics Officials,

As you may recall, earlier in the summer (June 22) I wrote to you about senior leaders getting appropriate ethics counseling and support regarding their calendars and events. OGC/Ethics calls this effort "reviewing and/or vetting invitations."

The best way to help your principal identify and resolve ethics issues with their calendars is to work more closely with them. To that end, OGC/Ethics encourages you to embed ethics in the vetting process for your principal. Set forth below is an overview of this counseling practice, how to begin implementing the vetting process, and information on the training sessions we will provide so that you know how to counsel in this area.

OVERVIEW:

Embedding Ethics in Vetting the Calendar and Staffing Events for Your Principal

The ethics process doesn't stop when your principal comes on board. By principal, we mean the most senior (typically political) leader in your organization. For Regions, that means the Regional Administrator, and for Headquarters, the Assistant Administrators.

Your principal goes through a robust ethics screening when entering government service. OGC/Ethics carefully reviews the new entrant financial disclosure report, identifies ethics issues (such as the need for recusal, divestiture of assets, or resignations from positions), drafts documents to memorialize these ethics obligations and responsibilities, and provides one hour of in-person ethics training when they come on board.

After this intensive burst of ethics counseling at the beginning of their tenure, however, the ethics process should not stop. The need for proactive ethics counseling is necessary to help your principal avoid ethics issues and maintain the integrity of agency operations.

One of the more visible ways ethics issues present themselves is through the calendaring process of the principal. We strongly encourage you to be more involved in that process, to catch potential issues at the outset, and to provide advice about what the principal and/or the Agency may or may not do. Here are just a few of the types of ethics issues that come up:

- President's Ethics Pledge – Lobbyist Gift Ban
- Screening for Recusal Obligations
- Gifts
  - Meals related to speaking engagements
  - Receptions
  - Gifts of Travel
- Invitations to Fundraisers
- Invitations to Political Events
- Endorsements

Currently, OGC/Ethics works with the staff of the Administrator, Deputy Administrator, and General Counsel to vet their calendars. Based on our experience, we want to routinize the ethics vetting process across the agency for its principals and do a better job of “embedding ethics” into the principal’s calendaring processes. While this is not a new requirement, we’re taking this opportunity to implement more consistency and uniformity in this important ethics area.

Next, I’ll explain how we envision rolling out the effort.

#### IMPLEMENTATION:

##### How to Embed Ethics into the Principal’s Scheduling Process

You’ll need to work with your Principal and his or her staff to develop a procedure of integrating ethics advice into the scheduling process. In terms of what to vet, OGC/Ethics expects that you will vet the following (at a minimum):

- any external (to the agency) event the principal is seriously considering prior to confirmation of attendance;
- EPA-hosted meetings at which external parties are present; and
- the detailed travel itinerary (often referred to as the travel line-by-line) when the principal is in travel status.

To do this, OGC/Ethics will provide you with several tools to aid in the procedure:

- An event request form for external persons to complete when requesting the principal to attend their event. This form will provide you with the information you need to either provide ethics advice or determine if you need additional information.
- Sample templates you may use to craft your ethics advice.
- Lobbyist gift ban guidance document: how to search for federally registered lobbyists and a cheat sheet for determining which gift exceptions are available.
- Examples of documents you may encounter while reviewing invitations such as invitation letters, completed event request forms, travel line-by-line, email threads.

Finally, implementation of this process will also involve training. We anticipate that you will provide training to your own employees who staff the Regional Administrator. These staffers need to understand the ethics issues that arise, why it's important that ethics review is integrated into the calendaring process, understand what they can and cannot do, and it will help establish an effective working relationship with you.

Okay! You're probably reading this and thinking, "Wow. This is big and will take some resources." You're right. If you are not currently staffing your principal in this way, then, OGC/Ethics recognizes that this may be a big change in your counseling practice. But, it's time and effort well spent now to minimize drama later as it avoids ethics pitfalls. Thank you in advance for helping the agency's ethics program create a more uniform and meaningful way to counsel our principals! OGC/Ethics will support you as you undertake these efforts.

## TRAINING:

### How to review events in which your Principal may want to participate

As we move into fall, Jennie Keith of OGC/Ethics will provide detailed and practical training via webinar on the most common ethics issues that arise when scheduling the principal, the factors that drive the outcome of ethics advice, important parameters, and best practices for effective relationships and processes. We expect this training to take 2.5 hours of time.

After you receive this training, we will need for you to provide a version of this training to the employees who staff your Regional Administrator. OGC/Ethics will provide the handout for you to give the staffers.

In addition, Jennie Keith will also provide a separate one-hour session just on the lobbyist gift ban which will include a demonstration of how to look up lobbyists and lobbying organizations.

## SCOPE:

### What OGC/Ethics is doing to pave the way for embedding ethics into the principal's scheduling process

In addition to communicating, coordinating, and training you, OGC/Ethics is doing the following to embed ethics into the scheduling processes of the Agency's senior leaders:

- 1) Communicating with the principals about integrating ethics advice into their calendaring process;
- 2) Training principals about ethics issues that arise during the calendaring process which is currently scheduled for September 10, 2018 at 2:00pm EST during the senior staff meeting;
- 3) Training HQ employees who calendar and staff their principal about ethics issues in the scheduling process;
- 4) Implementing a more uniform process across the agency to ensure ethics advice is embedded in the scheduling process via an event request form and ensuring travel line-by-line itineraries incorporate ethics review;
- 5) Coordinating with other appropriate ethics officials when principals are traveling together;
- 6) Supporting ethics officials, principals and their staff as we embark on embedding ethics in the scheduling process; and
- 7) Offering training on a regular basis.

### ACTION: What you need to do right now

- 1) Please confirm with OGC/Ethics (Jennie Keith) with whom you are designating to take the training (this is very good general ethics training even though it's targeted to vetting invitations). Let her know their availability during the months of September and October.
- 2) Confirm to OGC/Ethics (Jennie Keith) with whom you are designating to attend the training with your principal scheduled for September 10 (training will likely begin at 3PM

EST even though the senior staff meeting starts at 2PM EST – the meeting has been extended to include this training). **Print out copies of the attachments to this email for you and your principal, and bring them to the training as these will be discussed.**

- 3) Tell OGC/Ethics (Jennie Keith) who the employees are who regularly staff the Regional Administrator or are heavily involved in the calendaring process. For example, chiefs of staff, travel coordinators, support staff, special assistants, senior advisors, public affairs, etc. These employees may be career or political. Send this list to Jennie Keith – not because OGC/Ethics will train them, but rather to coordinate the email your principal will send to these folks about this effort. These are also the folks you will train.
- 4) Bring your questions or items you'd like to discuss about this effort to the next monthly ethics officials meetings during the week of September 10. OGC/Ethics will hold an open forum to talk about this effort before scheduling the trainings.

We know that this will take some time to implement and there may be some bumps as all parties adjust to a different calendaring process. You will have to work closely with the principal's staff make sure the scheduling process works for all and that ethics issues are considered. We will be there for you and help support you! By implementing this counseling practice in your ethics program, we will make the agency's ethics program more effective, strong, and visible, thereby increasing the awareness of all of our ethics obligations and protecting the public's trust. On behalf of OGC/Ethics, thank you.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

# ENGAGE IN ETHICS

INVITATIONS VETTING PROJECT

ETHICS@EPA.GOV / 202-564-2200

## Executive Summary

- Help prevent conflicts of interest and other ethics issues by embedding ethics review into the calendaring process for principals (principals = Acting Administrator, Deputy Administrator, Assistant Administrators, and Regional Administrators, certain Deputy Associate Administrators)
- Ensure principals' staff are alert to possible lobbying gift ban and recusal issues, as well as possible Hatch Act, travel and gift concerns
- Provide training to a variety of audiences during September 2018

## Implementation

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### Embedding Ethics

- Principals, their staff, and Deputy Ethics Officials (DEOs) work together to establish or re-establish process for incorporating ethics vetting of the principal's calendar
- OGC/Ethics will provide training and tools (e.g., event request form, sample templates for ethics advice, lobbying gift ban cheat sheet)

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### Training

- OGC/Ethics will provide several training sessions to HQ staffers, HQ ethics officials, and Regional ethics officials on embedding ethics into the calendaring process  
Estimated length of training: 2.5 hours
- Regional ethics officials will provide training to their Principal's staff in the regions  
Estimated length of training: 2.5 hours
- OGC/Ethics will provide training to the principals during the regularly-scheduled Monday senior staff meeting at 2pm EST  
Estimated length of training: currently, one 20-minute session
- OGC/Ethics will provide a separate training on the Lobbyist Gift Ban for all ethics officials  
Estimated length of training: 1.0 hour
- OGC/Ethics will create all training documents and tools

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### Ongoing efforts by OGC/Ethics

- Ensure a more uniform and consistent process for reviewing calendars across the Agency
- Encourage more cross-office coordination when principals travel together
- Continue to provide support and training as needed

## ETHICS

## BASICS

**Prevention:** The goal of the EPA Ethics Program is to prevent ethics problems before they start. By engaging in ethics, knowing your obligations, spotting potential issues, and seeking advice when you're not sure about something, we can build and sustain a culture of ethical federal service. The EPA ethics officials are here to help you every step of the way, but we can't help if you don't ask!

**Advice:** If you provide all relevant details about a potential ethics issue to your DEO or ADEO in advance, and you rely on their advice, then you cannot be administratively disciplined for relying on it—even if it's wrong. This insulation from disciplinary action applies only if you get your advice from an ethics official in advance and only for non-criminal issues.

**Compliance:** If an ethics issue does arise, then the EPA Ethics Program will work with you to resolve the issue and achieve ethical compliance. If a violation of an ethics law or regulation has already occurred, then a supervisor may consider disciplinary action or the matter may be referred to the EPA Inspector General. The EPA Ethics Program has no independent investigatory or disciplinary authority.

**Ethical federal service should be a point of pride for all EPA employees.**

The EPA Ethics Program works with all EPA employees to implement federal ethics laws and regulations. Every EPA employee plays a vital role in building and maintaining a culture of ethical federal service.

# Engage in Ethics

Protect the  
public trust at EPA

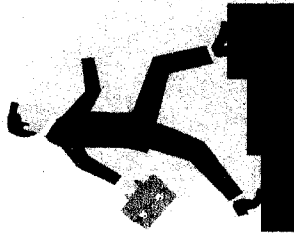
## Contact Us

EPA Ethics Helpline: (202) 564-2200

EPA Ethics email: [ethics@epa.gov](mailto:ethics@epa.gov)

[https://usepa.sharepoint.com/sites/OGC\\_Work/ethics/](https://usepa.sharepoint.com/sites/OGC_Work/ethics/)

# Steps to Ethics Engagement



## 14 Start With the 14 Principles

The Standards of Ethical Conduct for Employees of the Executive Branch begin with fourteen general principles. As an executive branch employee, you must understand and apply these principles in your conduct.

### Spot Ethics Issues

Think about situations in which ethics issues might arise for yourself or your colleagues. Supervisors also have a heightened personal responsibility to serve as a role model for subordinates.



### Get Ethics Advice

Anytime you are unsure about whether or how an ethics rule or principle might apply in a particular situation, ask for ethics advice. Each EPA program office and region has a Deputy Ethics Official (DEO), and in many cases, an Assistant Deputy Ethics Official (ADEO), whose jobs are to provide you with ethics advice. To find your DEO and ADEO, use the DEO finder tool on the new EPA Ethics SharePoint site.



# 14 Principles of Ethical Conduct

- 1** Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
- 2** Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- 3** Employees shall not engage in financial transactions using non-public Government information or allow the improper use of such information to further any private interest.
- 4** An employee shall not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties. (Limited exceptions apply.)
- 5** Employees shall put forth honest effort in their performance.
- 6** Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
- 7** Employees shall not use public office for private gain.
- 8** Employees shall act impartially and not give preferential treatment to any private organization or individual.
- 9** Employees shall protect and conserve Federal property and shall not use it for other than authorized activity.
- 10** Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
- 11** Employees shall disclose waste, fraud, abuse, and corruption to authorities.
- 12** Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
- 13** Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
- 14** Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part.






UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

January 10, 2018

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Onis "Trey" Glenn, III   
Regional Administrator  
Region 4

TO: E. Scott Pruitt  
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any significant financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

## OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **Blue Ridge Consulting, Inc.** and **STRADA Professional Services, LLC**, or any former client to whom I provided services during the past two years is a party or represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties.

RECUSAL LIST In effect until August 27, 2019	
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FORMER CLIENTS:	
Balch & Bingham, LLP Big Sky Environmental Black Mesa Energy Blue Ridge Partners, LLC Business Council of Alabama Conservatives with Courage Drummond Company	MAP Development, LLC Matrix, LLC Maynard, Cooper & Gale, PC Regional Environmental Solutions STRADA-AECOM Joint Venture Stream Restoration Services Windom-Galliher

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employee, I understand that I am also subject to the federal impartiality standards and have a one-year cooling off period with any former client who is a state or local government. Therefore, I will not participate personally and substantially in any particular matter involving specific parties in which **the Birmingham Jefferson County Transit Authority (BJCTA)** or **the City of Birmingham, Alabama** is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). For federal ethics purposes, I understand that my recusal remains in effect for one year from the date that I last provided services to that client, and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking. My recusal will end with regard to the city of Birmingham and BJCTA on March 8, 2018 and August 29, 2018 respectively. I will consult with OGC/Ethics should a situation arise in which I seek an impartiality determination to authorize my participation in a specific party matter involving the Birmingham Jefferson County Transit Authority or the City of Birmingham.

#### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Blake Ashbee, Region 4 Chief of Staff, to assist in screening EPA matters directed to my attention that involve these entities. All inquiries and comments involving the entities on my recusal list should be directed to Blake Ashbee without my knowledge or involvement until after my recusal period ends.

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#### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my recusal or screening arrangement, I will provide a copy of the revised recusal statement to you and OGC, including OGC/Ethics.

cc: Ryan Jackson, Chief of Staff  
V. Anne Heard, Deputy Regional Administrator, Region 4  
Blake Ashbee, Chief of Staff, Region 4  
Suzanne Rubini, Acting Regional Counsel, Region 4  
Leif Palmer, Acting Deputy Regional Counsel, Region 4  
John Sheesly, Regional Ethics Counsel, Region 4  
Justina Fugh, Senior Counsel for Ethics

**Cody, Karen**

**From:** Fugh, Justina  
**Sent:** Thursday, September 6, 2018 2:54 PM  
**To:** Walker, Mary; Palmer, Leif; Sheesley, John; Benjamin, Deborah; Daniels-Lewis, Alicia; Sawyer, Bonnie; Wetherington, Michele  
**Subject:** (Region 4) Embedding Ethics in the Calendaring Process for Your Regional Administrator  
**Attachments:** OVERVIEW - one-pager on ethics vetting of invitations.pdf; BROCHURE - Engage in Ethics.pdf; Glenn recusal signed 1\_10\_18.pdf

(I have *one* job: forward the emails to recipients and cc Jennie. Of course I typed in the wrong "Mary." Sheesh! Sorry, Mary Walker! Trying again!)

Dear Region 4 Ethics Officials,

As you may recall, earlier in the summer (June 22) I wrote to you about senior leaders getting appropriate ethics counseling and support regarding their calendars and events. OGC/Ethics calls this effort "reviewing and/or vetting invitations."

The best way to help your principal identify and resolve ethics issues with their calendars is to work more closely with them. To that end, OGC/Ethics encourages you to embed ethics in the vetting process for your principal. Set forth below is an overview of this counseling practice, how to begin implementing the vetting process, and information on the training sessions we will provide so that you know how to counsel in this area.

#### OVERVIEW:

#### Embedding Ethics in Vetting the Calendar and Staffing Events for Your Principal

The ethics process doesn't stop when your principal comes on board. By principal, we mean the most senior (typically political) leader in your organization. For Regions, that means the Regional Administrator, and for Headquarters, the Assistant Administrators.

Your principal goes through a robust ethics screening when entering government service. OGC/Ethics carefully reviews the new entrant financial disclosure report, identifies ethics issues (such as the need for recusal, divestiture of assets, or resignations from positions), drafts documents to memorialize these ethics obligations and responsibilities, and provides one hour of in-person ethics training when they come on board.

After this intensive burst of ethics counseling at the beginning of their tenure, however, the ethics process should not stop. The need for proactive ethics counseling is necessary to help your principal avoid ethics issues and maintain the integrity of agency operations.

One of the more visible ways ethics issues present themselves is through the calendaring process of the principal. We strongly encourage you to be more involved in that process, to catch potential issues at the outset, and to provide advice about what the principal and/or the Agency may or may not do. Here are just a few of the types of ethics issues that come up:

- President's Ethics Pledge – Lobbyist Gift Ban
- Screening for Recusal Obligations
- Gifts
  - Meals related to speaking engagements
  - Receptions
  - Gifts of Travel
- Invitations to Fundraisers
- Invitations to Political Events
- Endorsements

Currently, OGC/Ethics works with the staff of the Administrator, Deputy Administrator, and General Counsel to vet their calendars. Based on our experience, we want to routinize the ethics vetting process across the agency for its principals and do a better job of “embedding ethics” into the principal’s calendaring processes. While this is not a new requirement, we’re taking this opportunity to implement more consistency and uniformity in this important ethics area.

Next, I’ll explain how we envision rolling out the effort.

#### IMPLEMENTATION:

##### How to Embed Ethics into the Principal’s Scheduling Process

You’ll need to work with your Principal and his or her staff to develop a procedure of integrating ethics advice into the scheduling process. In terms of what to vet, OGC/Ethics expects that you will vet the following (at a minimum):

- any external (to the agency) event the principal is seriously considering prior to confirmation of attendance;
- EPA-hosted meetings at which external parties are present; and
- the detailed travel itinerary (often referred to as the travel line-by-line) when the principal is in travel status.

To do this, OGC/Ethics will provide you with several tools to aid in the procedure:

- An event request form for external persons to complete when requesting the principal to attend their event. This form will provide you with the information you need to either provide ethics advice or determine if you need additional information.
- Sample templates you may use to craft your ethics advice.
- Lobbyist gift ban guidance document: how to search for federally registered lobbyists and a cheat sheet for determining which gift exceptions are available.
- Examples of documents you may encounter while reviewing invitations such as invitation letters, completed event request forms, travel line-by-line, email threads.

Finally, implementation of this process will also involve training. We anticipate that you will provide training to your own employees who staff the Regional Administrator. These staffers need to understand the ethics issues that arise, why it's important that ethics review is integrated into the calendaring process, understand what they can and cannot do, and it will help establish an effective working relationship with you.

Okay! You're probably reading this and thinking, "Wow. This is big and will take some resources." You're right. If you are not currently staffing your principal in this way, then, OGC/Ethics recognizes that this may be a big change in your counseling practice. But, it's time and effort well spent now to minimize drama later as it avoids ethics pitfalls. Thank you in advance for helping the agency's ethics program create a more uniform and meaningful way to counsel our principals! OGC/Ethics will support you as you undertake these efforts.

#### TRAINING:

##### How to review events in which your Principal may want to participate

As we move into fall, Jennie Keith of OGC/Ethics will provide detailed and practical training via webinar on the most common ethics issues that arise when scheduling the principal, the factors that drive the outcome of ethics advice, important parameters, and best practices for effective relationships and processes. We expect this training to take 2.5 hours of time.

After you receive this training, we will need for you to provide a version of this training to the employees who staff your Regional Administrator. OGC/Ethics will provide the handout for you to give the staffers.

In addition, Jennie Keith will also provide a separate one-hour session just on the lobbyist gift ban which will include a demonstration of how to look up lobbyists and lobbying organizations.

## SCOPE:

### What OGC/Ethics is doing to pave the way for embedding ethics into the principal's scheduling process

In addition to communicating, coordinating, and training you, OGC/Ethics is doing the following to embed ethics into the scheduling processes of the Agency's senior leaders:

- 1) Communicating with the principals about integrating ethics advice into their calendaring process;
- 2) Training principals about ethics issues that arise during the calendaring process which is currently scheduled for September 10, 2018 at 2:00pm EST during the senior staff meeting;
- 3) Training HQ employees who calendar and staff their principal about ethics issues in the scheduling process;
- 4) Implementing a more uniform process across the agency to ensure ethics advice is embedded in the scheduling process via an event request form and ensuring travel line-by-line itineraries incorporate ethics review;
- 5) Coordinating with other appropriate ethics officials when principals are traveling together;
- 6) Supporting ethics officials, principals and their staff as we embark on embedding ethics in the scheduling process; and
- 7) Offering training on a regular basis.

### ACTION: What you need to do right now

- 1) Please confirm with OGC/Ethics (Jennie Keith) with whom you are designating to take the training (this is very good general ethics training even though it's targeted to vetting invitations). Let her know their availability during the months of September and October.
- 2) Confirm to OGC/Ethics (Jennie Keith) with whom you are designating to attend the training with your principal scheduled for September 10 (training will likely begin at 3PM

EST even though the senior staff meeting starts at 2PM EST – the meeting has been extended to include this training). **Print out copies of the attachments to this email for you and your principal, and bring them to the training as these will be discussed.**

- 3) Tell OGC/Ethics (Jennie Keith) who the employees are who regularly staff the Regional Administrator or are heavily involved in the calendaring process. For example, chiefs of staff, travel coordinators, support staff, special assistants, senior advisors, public affairs, etc. These employees may be career or political. Send this list to Jennie Keith – not because OGC/Ethics will train them, but rather to coordinate the email your principal will send to these folks about this effort. These are also the folks you will train.
- 4) Bring your questions or items you'd like to discuss about this effort to the next monthly ethics officials meetings during the week of September 10. OGC/Ethics will hold an open forum to talk about this effort before scheduling the trainings.

We know that this will take some time to implement and there may be some bumps as all parties adjust to a different calendaring process. You will have to work closely with the principal's staff make sure the scheduling process works for all and that ethics issues are considered. We will be there for you and help support you! By implementing this counseling practice in your ethics program, we will make the agency's ethics program more effective, strong, and visible, thereby increasing the awareness of all of our ethics obligations and protecting the public's trust. On behalf of OGC/Ethics, thank you.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



# ENGAGE IN ETHICS

INVITATIONS VETTING PROJECT

ETHICS@EPA.GOV / 202-564-2200

## Executive Summary

- Help prevent conflicts of interest and other ethics issues by embedding ethics review into the calendaring process for principals (principals = Acting Administrator, Deputy Administrator, Assistant Administrators, and Regional Administrators, certain Deputy Associate Administrators)
- Ensure principals' staff are alert to possible lobbying gift ban and recusal issues, as well as possible Hatch Act, travel and gift concerns
- Provide training to a variety of audiences during September 2018

## Implementation

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### Embedding Ethics

- Principals, their staff, and Deputy Ethics Officials (DEOs) work together to establish or re-establish process for incorporating ethics vetting of the principal's calendar
- OGC/Ethics will provide training and tools (e.g., event request form, sample templates for ethics advice, lobbying gift ban cheat sheet)

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### Training

- OGC/Ethics will provide several training sessions to HQ staffers, HQ ethics officials, and Regional ethics officials on embedding ethics into the calendaring process  
Estimated length of training: 2.5 hours
- Regional ethics officials will provide training to their Principal's staff in the regions  
Estimated length of training: 2.5 hours
- OGC/Ethics will provide training to the principals during the regularly-scheduled Monday senior staff meeting at 2pm EST  
Estimated length of training: currently, one 20-minute session
- OGC/Ethics will provide a separate training on the Lobbyist Gift Ban for all ethics officials  
Estimated length of training: 1.0 hour
- OGC/Ethics will create all training documents and tools

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### Ongoing efforts by OGC/Ethics

- Ensure a more uniform and consistent process for reviewing calendars across the Agency
- Encourage more cross-office coordination when principals travel together
- Continue to provide support and training as needed

## ETHICS

## BASICS

**Prevention:** The goal of the EPA Ethics Program is to prevent ethics problems before they start. By engaging in ethics, knowing your obligations, spotting potential issues, and seeking advice when you're not sure about something, we can build and sustain a culture of ethical federal service. The EPA ethics officials are here to help you every step of the way, but we can't help if you don't ask!

**Advice:** If you provide all relevant details about a potential ethics issue to your DEO or ADEO in advance, and you rely on their advice, then you cannot be administratively disciplined for relying on it—even if it's wrong. This insulation from disciplinary action applies only if you get your advice from an ethics official in advance and only for non-criminal issues.

**Compliance:** If an ethics issue does arise, then the EPA Ethics Program will work with you to resolve the issue and achieve ethical compliance. If a violation of an ethics law or regulation has already occurred, then a supervisor may consider disciplinary action or the matter may be referred to the EPA Inspector General. The EPA Ethics Program has no independent investigatory or disciplinary authority.

## Ethical federal service should be a point of pride for all EPA employees.

The EPA Ethics Program works with all EPA employees to implement federal ethics laws and regulations. Every EPA employee plays a vital role in building and maintaining a culture of ethical federal service.

# Engage in Ethics

Protect the public trust at EPA

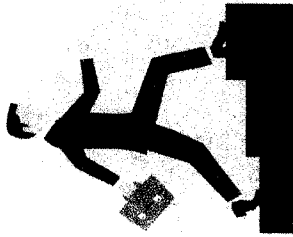
## Contact Us

EPA Ethics Helpline: (202) 564-2200

EPA Ethics email: [ethics@epa.gov](mailto:ethics@epa.gov)

[https://usepa.sharepoint.com/sites/OGC\\_Work/ethics/](https://usepa.sharepoint.com/sites/OGC_Work/ethics/)

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Leif Palmer, Acting Deputy Regional Counsel, Region 4  
John Sheesly, Regional Ethics Counsel, Region 4  
Justina Fugh, Senior Counsel for Ethics

**Cody, Karen**

**From:** Keith, Jennie  
**Sent:** Monday, September 10, 2018 10:08 AM  
**To:** Sawyer, Bonnie; Sheesley, John; Benjamin, Deborah; Wetherington, Michele; Daniels-Lewis, Alicia  
**Subject:** FW: Embedding Ethics into Your Calendaring Process  
**Attachments:** OVERVIEW - one-pager on ethics vetting of invitations.pdf; BROCHURE - Engage in Ethics.pdf; Glenn recusal signed 1\_10\_18.pdf

Morning! FYI – here's the email OGC/Ethics sent to your principal. Thanks! Jennie for OGC/Ethics

**From:** Monson, Mahri On Behalf Of Minoli, Kevin  
**Sent:** Thursday, September 06, 2018 4:39 PM  
**To:** Glenn, Trey <Glenn.Trey@epa.gov>  
**Cc:** Walker, Mary <walker.mary@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** Embedding Ethics into Your Calendaring Process

Dear Trey,

This communication follows up on the ethics presentation provided by the White House on July 19 and Ryan Jackson's email on August 10. In July, Justina Fugh mentioned an upcoming training project OGC/Ethics is undertaking to better support you and your staff regarding appropriate ethics help on scheduling. OGC/Ethics calls this effort "reviewing and/or vetting invitations."

Set forth below is an executive summary, as well as actions we ask you to take. Attached is a quick one-page description of this effort. If you prefer to read more, [click here](#) for an overview of this ethics counseling practice.

**EXECUTIVE SUMMARY and ACTIONS WE ASK YOU TO TAKE**

OGC/Ethics hopes to:

- Help prevent conflicts of interest and other ethics issues by embedding ethics review into the calendaring process for principals (principals = Acting Administrator, Deputy Administrator, Assistant Administrators, and Regional Administrators, certain Associate Administrators).
- Ensure principals' staff are alert to possible lobbying gift ban and recusal issues, as well as possible Hatch Act, travel and gift concerns.

- Train a variety of audiences on this process during the month of September 2018.

The actions we ask you to take:

- Attend the ethics training for principals during the senior staff meeting on Monday, September 10, 2018 at 2:00PM EST. The Administrator's Office extended the meeting by an additional half hour for the training. Please ask your staff to print out the brochure and your recusal documents to bring to the training – all attached to this email (if none, that means you have no recusal documents). OGC/Ethics will also coordinate with your local ethics officials so that one of them may attend this training with you.
- Work with your Deputy Ethics Official(s), cc'd on this email, to identify which members of your staff should take the other trainings ethics officials will provide during the month of September, and ensure that they take the training.

Thank you for your support.

Your Designated Agency Ethics Official and  
Principal Deputy General Counsel,

Kevin Minoli



## ADDITIONAL BACKGROUND INFORMATION

You are already familiar with OGC/Ethics because, when you entered government service, we reviewed your new entrant financial disclosure report and helped to identify your ethics issues. However, the ethics process doesn't stop when you come on board. Proactive ethics counseling is necessary to help you avoid ethics issues and maintain the integrity of agency operations throughout your tenure. One of the ways ethics issues present themselves is through your scheduling process.

Therefore, the best way to help you identify and resolve ethics issues with your calendars is to work more closely with your ethics officials. To that end, OGC/Ethics encourages you to embed ethics in the vetting process of your calendar. Here are just a few of the types of ethics issues that come up:

- President's Ethics Pledge – Lobbyist Gift Ban
- Screening for Recusal Obligations
- Gifts
  - Meals related to speaking engagements
  - Receptions
  - Gifts of Travel
- Invitations to Fundraisers
- Invitations to Political Events
- Endorsements

Currently, OGC/Ethics works with the staff of the Administrator, Deputy Administrator, and General Counsel to vet their calendars. Based on our experience, we want to routinize the ethics vetting process across the agency for the most senior leaders to help you "embed ethics" into your calendaring processes. While this is not a new requirement, we're taking this opportunity to implement more consistency and uniformity in this important ethics area.

### IMPLEMENTATION: How to Embed Ethics into Your Scheduling Process

Please ask your staff to work with your local ethics officials to integrate ethics advice into the scheduling process. Your staff should vet the following (at a minimum):

- any external (to the agency) event you are seriously considering prior to confirmation of attendance;
- EPA-hosted meetings at which external parties are present; and
- A detailed travel itinerary (frequently referred to as the travel line-by-line document) when you are in travel status.

To assist your staff, OGC/Ethics will provide your office with several tools to aid in the procedure:

- An event request form for external persons to complete when requesting your participation at their event. This form will provide your office with the information it needs to determine whether there are any ethics issues (in addition to general logistical information required when attending the event).
- Sample templates for ethics officials to use when providing you advice.
- Lobbyist gift ban guidance document for your ethics officials to use and ensure you don't inadvertently accept a gift from a federally registered lobbyist.

Finally, implementation of this process will also involve training. OGC/Ethics is kicking off its training efforts first with a 20-minute session for you. This training is currently scheduled for the senior staff meeting on September 10. We will also work with your Deputy Ethics Official to attend this meeting with you.

In addition to training you, OGC/Ethics will also train the headquarters employees who staff the agency's senior leaders, and your ethics officials. Regional ethics officials will work with regional staffers to train them. Training is necessary to understand the ethics issues that arise and why it's important that ethics review is integrated into the calendaring process. This training will take place in September.

We know that this will take some time to implement and there may be some bumps, as all parties adjust to creating a different calendaring process. Please help support your staff's efforts to make sure the scheduling process works for all and that ethics issues are considered. We will be there for you and help support your staff and ethics officials. By implementing this vetting process, we will make the agency's ethics program more effective, strong, and visible, thereby increasing the awareness of all of our ethics obligations and protecting the public's trust. On behalf of OGC/Ethics, thank you.

# ENGAGE IN ETHICS

INVITATIONS VETTING PROJECT

ETHICS@EPA.GOV / 202-564-2200

## Executive Summary

- Help prevent conflicts of interest and other ethics issues by embedding ethics review into the calendaring process for principals (principals = Acting Administrator, Deputy Administrator, Assistant Administrators, and Regional Administrators, certain Deputy Associate Administrators)
- Ensure principals' staff are alert to possible lobbying gift ban and recusal issues, as well as possible Hatch Act, travel and gift concerns
- Provide training to a variety of audiences during September 2018

## Implementation

### Embedding Ethics

- Principals, their staff, and Deputy Ethics Officials (DEOs) work together to establish or re-establish process for incorporating ethics vetting of the principal's calendar
- OGC/Ethics will provide training and tools (e.g., event request form, sample templates for ethics advice, lobbying gift ban cheat sheet)

### Training

- OGC/Ethics will provide several training sessions to HQ staffers, HQ ethics officials, and Regional ethics officials on embedding ethics into the calendaring process  
Estimated length of training: 2.5 hours
- Regional ethics officials will provide training to their Principal's staff in the regions  
Estimated length of training: 2.5 hours
- OGC/Ethics will provide training to the principals during the regularly-scheduled Monday senior staff meeting at 2pm EST  
Estimated length of training: currently, one 20-minute session
- OGC/Ethics will provide a separate training on the Lobbyist Gift Ban for all ethics officials  
Estimated length of training: 1.0 hour
- OGC/Ethics will create all training documents and tools

### Ongoing efforts by OGC/Ethics

- Ensure a more uniform and consistent process for reviewing calendars across the Agency
- Encourage more cross-office coordination when principals travel together
- Continue to provide support and training as needed

## ETHICS

## BASICS

**Prevention:** The goal of the EPA Ethics Program is to prevent ethics problems before they start. By engaging in ethics, knowing your obligations, spotting potential issues, and seeking advice when you're not sure about something, we can build and sustain a culture of ethical federal service. The EPA ethics officials are here to help you every step of the way, but we can't help if you don't ask!

**Advice:** If you provide all relevant details about a potential ethics issue to your DEO or ADEO in advance, and you rely on their advice, then you cannot be administratively disciplined for relying on it—even if it's wrong. This insulation from disciplinary action applies only if you get your advice from an ethics official in advance and only for non-criminal issues.

**Compliance:** If an ethics issue does arise, then the EPA Ethics Program will work with you to resolve the issue and achieve ethical compliance. If a violation of an ethics law or regulation has already occurred, then a supervisor may consider disciplinary action or the matter may be referred to the EPA Inspector General. The EPA Ethics Program has no independent investigatory or disciplinary authority.

## Ethical federal service should be a point of pride for all EPA employees.

The EPA Ethics Program works with all EPA employees to implement federal ethics laws and regulations. Every EPA employee plays a vital role in building and maintaining a culture of ethical federal service.

## Contact Us

EPA Ethics Helpline: (202) 564-2200

EPA Ethics email: [ethics@epa.gov](mailto:ethics@epa.gov)

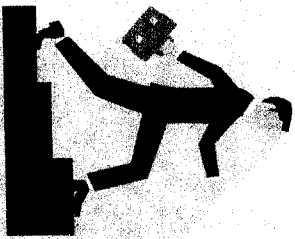
[https://usepa.sharepoint.com/sites/OGC\\_Work/ethics/](https://usepa.sharepoint.com/sites/OGC_Work/ethics/)

Engage  
in Ethics

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Protect the  
public trust at EPA

# Steps to Ethics Engagement



## 14 Start With the 14 Principles for Employees of the Executive

Branch begin with fourteen general principles. As an executive branch employee, you must understand and apply these principles in your conduct.

### Spot Ethics Issues

Think about situations in which ethics issues might arise for yourself or your colleagues. Supervisors also have a heightened personal responsibility to serve as a role model for subordinates.



### Get Ethics Advice

Anytime you are unsure about whether or how an ethics rule or principle might apply in a particular situation, ask for ethics advice. Each EPA program office and region has a Deputy Ethics Official (DEO), and in many cases, an Assistant Deputy Ethics Official (ADEO), whose jobs are to provide you with ethics advice. To find your DEO and ADEO, use the DEO finder tool on the new EPA Ethics SharePoint site.

## 14 Principles of Ethical Conduct

- 1 Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
- 2 Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- 3 Employees shall not engage in financial transactions using non-public Government information or allow the improper use of such information to further any private interest.
- 4 An employee shall not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties. (limited exceptions apply.)
- 5 Employees shall put forth honest effort in their performance.
- 6 Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
- 7 Employees shall not use public office for private gain.
- 8 Employees shall act impartially and not give preferential treatment to any private organization or individual.
- 9 Employees shall protect and conserve Federal property and shall not use it for other than authorized activity.
- 10 Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
- 11 Employees shall disclose waste, fraud, abuse, and corruption to authorities.
- 12 Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
- 13 Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
- 14 Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part.

**Cody, Karen**

**From:** Keith, Jennie  
**Sent:** Wednesday, September 19, 2018 3:27 PM  
**To:** Ghosh, Mita  
**Cc:** Sheesley, John; Benjamin, Deborah; Sawyer, Bonnie  
**Subject:** RE: Travel Approval for RA

Mita,

Do you have any other details such as other participants in the helicopter (state officials/industry/ngos/federal?) and the approximate cost (we need to have an estimate per person of how much the ride costs). Do you know how long the ride will take, approximately? I'm cc'ing your ethics team lead (John Sheeseley), Deborah Benjamin (who, I believe provides ethics support to the RA) and Bonnie Sawyer (who manages ethics travel in the region).

You also sent a second email, explaining that a helicopter from the Army Corps of Engineers may be available. As long its operated by the federal government, that does not pose any gift issue. It would be preferable to use a U.S. Government helicopter.

Thanks!  
Jennie for OGC/Ethics

**From:** Ghosh, Mita  
**Sent:** Wednesday, September 19, 2018 3:18 PM  
**To:** Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** Travel Approval for RA

Jennie:

As I mentioned on the phone, Trey Glenn (RA), Franklin Hill (Division Director, Superfund) and Brandi Jenkins (Special Assistant) are in North Carolina at the state emergency operations center. They may need to take a helicopter ride to aerially assess the hurricane impact. The helicopter will likely be from the North Carolina Department of Agriculture. It will take place either this afternoon or tomorrow morning. Can you give me confirmation of approval for this travel. Thanks

Mita

Mita Ghosh  
Chief, Office of Water Legal Support  
U.S. Environmental Protection Agency, Region 4  
(404) 562-9568

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**Cody, Karen**

**From:** Keith, Jennie  
**Sent:** Wednesday, September 19, 2018 4:09 PM  
**To:** Ghosh, Mita  
**Cc:** Sheesley, John; Benjamin, Deborah; Sawyer, Bonnie  
**Subject:** RE: Travel Approval for RA

Mita,

OGC/Ethics tentatively approves the gift of travel offered by the North Carolina Department of Agriculture (even though its employees are not participants). Please confirm the donor is the correct state agency since its employees are not participants in the ride. Once you confirm the donor, **and** the approximate cost, OGC/Ethics will follow up quickly with a final determination.

Thanks!  
Jennie for OGC/Ethics

**From:** Ghosh, Mita  
**Sent:** Wednesday, September 19, 2018 3:47 PM  
**To:** Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** FW: Travel Approval for RA

Jennie:

Below is what I got back from Brandi Jenkins.

Mita

Mita Ghosh  
Chief, Office of Water Legal Support  
U.S. Environmental Protection Agency, Region 4  
(404) 562-9568

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**From:** Jenkins, Brandi  
**Sent:** Wednesday, September 19, 2018 3:38 PM  
**To:** Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** RE: Travel Approval for RA

Participants:

- North Carolina Department of Environmental Quality (NCDEQ) Secretary Michael Regan
- NCDEQ Staffers – 2

- EPA RA Trey Glenn
- EPA Superfund Division Director Franklin Hill
- EPA RA Special Assistant Brandi Jenkins

Length of ride: 1 – 1.5 hours

Cost of ride per person: waiting on cost

**From:** Ghosh, Mita  
**Sent:** Wednesday, September 19, 2018 3:29 PM  
**To:** Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>  
**Subject:** FW: Travel Approval for RA

See response below.

Mita Ghosh  
 Chief, Office of Water Legal Support  
 U.S. Environmental Protection Agency, Region 4  
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**From:** Keith, Jennie  
**Sent:** Wednesday, September 19, 2018 3:27 PM  
**To:** Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>  
**Cc:** Sheesley, John <[Sheesley.John@epa.gov](mailto:Sheesley.John@epa.gov)>; Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>; Sawyer, Bonnie <[Sawyer.Bonnie@epa.gov](mailto:Sawyer.Bonnie@epa.gov)>  
**Subject:** RE: Travel Approval for RA

Mita,

Do you have any other details such as other participants in the helicopter (state officials/industry/ngos/federal?) and the approximate cost (we need to have an estimate per person of how much the ride costs). Do you know how long the ride will take, approximately? I'm cc'ing your ethics team lead (John Sheeseley), Deborah Benjamin (who, I believe provides ethics support to the RA) and Bonnie Sawyer (who manages ethics travel in the region).

You also sent a second email, explaining that a helicopter from the Army Corps of Engineers may be available. As long as it is operated by the federal government, that does not pose any gift issue. It would be preferable to use a U.S. Government helicopter.

Thanks!  
 Jennie for OGC/Ethics

**From:** Ghosh, Mita  
**Sent:** Wednesday, September 19, 2018 3:18 PM



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**Cody, Karen**

**From:** Ghosh, Mita  
**Sent:** Thursday, September 20, 2018 10:00 AM  
**To:** Benjamin, Deborah; Keith, Jennie  
**Cc:** Sheesley, John; Sawyer, Bonnie; Wetherington, Michele; Rubini, Suzanne  
**Subject:** RE: Travel Approval for RA

Jennie:

Brandi has still not sent the cost of the trip. Will get it to you as soon as she sends it.

Mita

Mita Ghosh  
Chief, Office of Water Legal Support  
U.S. Environmental Protection Agency, Region 4  
(404) 562-9568

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**From:** Benjamin, Deborah  
**Sent:** Thursday, September 20, 2018 9:50 AM  
**To:** Keith, Jennie <Keith.Jennie@epa.gov>  
**Cc:** Ghosh, Mita <Ghosh.Mita@epa.gov>; Sheesley, John <Sheesley.John@epa.gov>; Sawyer, Bonnie <Sawyer.Bonnie@epa.gov>; Wetherington, Michele <Wetherington.Michele@epa.gov>  
**Subject:** FW: Travel Approval for RA

Jennie:

Thanks for taking the lead on this yesterday, as I was out of the office for Yom Kippur. The email below is the last one I have. When you have a final determination on this can you please copy us? Thanks for keeping us in the loop!

**From:** Keith, Jennie  
**Sent:** Wednesday, September 19, 2018 4:09 PM  
**To:** Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Cc:** Sheesley, John <Sheesley.John@epa.gov>; Benjamin, Deborah <Benjamin.Deborah@epa.gov>; Sawyer, Bonnie <Sawyer.Bonnie@epa.gov>  
**Subject:** RE: Travel Approval for RA

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Thanks!  
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**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
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Jennie:

Below is what I got back from Brandi Jenkins.

Mita

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Chief, Office of Water Legal Support  
U.S. Environmental Protection Agency, Region 4  
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**Subject:** RE: Travel Approval for RA

Participants:

- North Carolina Department of Environmental Quality (NCDEQ) Secretary Michael Regan
- NCDEQ Staffers – 2
- EPA RA Trey Glenn
- EPA Superfund Division Director Franklin Hill
- EPA RA Special Assistant Brandi Jenkins

Length of ride: 1 – 1.5 hours

Cost of ride per person: waiting on cost

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**To:** Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>  
**Subject:** FW: Travel Approval for RA

See response below.

Mita Ghosh  
Chief, Office of Water Legal Support  
U.S. Environmental Protection Agency, Region 4  
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**Cc:** Sheesley, John <[Sheesley.John@epa.gov](mailto:Sheesley.John@epa.gov)>; Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>; Sawyer, Bonnie <[Sawyer.Bonnie@epa.gov](mailto:Sawyer.Bonnie@epa.gov)>  
**Subject:** RE: Travel Approval for RA

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You also sent a second email, explaining that a helicopter from the Army Corps of Engineers may be available. As long its operated by the federal government, that does not pose any gift issue. It would be preferable to use a U.S. Government helicopter.

Thanks!  
Jennie for OGC/Ethics

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**Sent:** Wednesday, September 19, 2018 3:18 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** Travel Approval for RA

Jennie:

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U.S. Environmental Protection Agency, Region 4  
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**Cody, Karen**

**From:** Sheesley, John  
**Sent:** Monday, October 29, 2018 12:45 PM  
**To:** Palmer, Leif; Benjamin, Deborah  
**Cc:** Rubini, Suzanne; Jenkins, Brandi  
**Subject:** RE: Mother Jones magazine query: Trey Glenn & 35th Ave

Here it is:

As an EPA political appointee, Mr. Glenn received initial ethics training and consistently sought ethics advice regarding his obligations. He signed a recusal memorandum on January 10, 2018 that memorialized those obligations. As required by the federal ethics regulations and Executive Order 13770, Mr. Glenn appropriately recused himself from participating personally and substantially in any particular matter involving specific parties in which any former client to whom he provided services during the past two years is a party or represents a party. The memorandum details all of his former clients covered by this recusal, including Balch & Bingham LLP and Drummond Company. Because his recusal obligation is with his former client or clients, the recusal itself does not list specific sites. But in answer to your question, Mr. Glenn cannot participate in the 35th Avenue Superfund Site because his former clients are parties to that specific party matter. Please note that, consistent with the applicable ethics regulations and executive order, his recusal lasts until August 27, 2019.

The recusal memorandum instructs Blake Ashbee, Region 4 Chief of Staff, to assist in screening EPA matters directed to Mr. Glenn's attention that involve the entities on the recusal list. If Mr. Ashbee determines that a particular matter will directly involve any of the entities on Mr. Glenn's recusal list, he will refer it for action or assignment to another, without Mr. Glenn's knowledge or involvement.

**From:** Palmer, Leif  
**Sent:** Monday, October 29, 2018 12:32 PM  
**To:** Sheesley, John <Sheesley.John@epa.gov>; Benjamin, Deborah <Benjamin.Deborah@epa.gov>  
**Cc:** Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>  
**Subject:** RE: Mother Jones magazine query: Trey Glenn & 35th Ave

John – can you send me the draft response you gave to Larry on this back in February?

**From:** Sheesley, John  
**Sent:** Monday, February 26, 2018 5:42 PM  
**To:** Benjamin, Deborah <Benjamin.Deborah@epa.gov>  
**Cc:** Palmer, Leif <Palmer.Leif@epa.gov>  
**Subject:** RE: Mother Jones magazine query: Trey Glenn & 35th Ave

Thanks, Deborah. I've put a response in Larry's OneDrive document.

**From:** Benjamin, Deborah  
**Sent:** Monday, February 26, 2018 2:12 PM  
**To:** Sheesley, John <Sheesley.John@epa.gov>  
**Cc:** Palmer, Leif <Palmer.Leif@epa.gov>  
**Subject:** FW: Mother Jones magazine query: Trey Glenn & 35th Ave

hn:

Please see question #2 below. Pursuant to Trey's recusal memo dated 1/10/18, he is recused for a period of two years from particular party matters involving his former employers Blue Ridge Consulting, and STRADA Professional Services, and former clients of those entities including Alch & Bingham and Drummond Co.

From: Rubini, Suzanne

Sent: Monday, February 26, 2018 12:42 PM

To: Lincoln, Larry <[Lincoln.Larry@epa.gov](mailto:Lincoln.Larry@epa.gov)>; Ashbee, Blake <[ashbee.blake@epa.gov](mailto:ashbee.blake@epa.gov)>; Jenkins, Brandi

<[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>; Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>; Sheesley, John

<[Sheesley.John@epa.gov](mailto:Sheesley.John@epa.gov)>

; Pinkney, James <[Pinkney.James@epa.gov](mailto:Pinkney.James@epa.gov)>

Subject: RE: Mother Jones magazine query: Trey Glenn & 35th Ave

(5)

Thanks,

Suzanne

From: Lincoln, Larry

Sent: Monday, February 26, 2018 12:12 PM

To: Ashbee, Blake <[ashbee.blake@epa.gov](mailto:ashbee.blake@epa.gov)>; Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>; Benjamin, Deborah

<[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>; Sheesley, John <[Sheesley.John@epa.gov](mailto:Sheesley.John@epa.gov)>; Rubini, Suzanne <[Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)>

; Pinkney, James <[Pinkney.James@epa.gov](mailto:Pinkney.James@epa.gov)>

Subject: Mother Jones magazine query: Trey Glenn & 35th Ave

Importance: High

Please see media inquiry below from Mother Jones magazine, a national environmentally-focused investigative magazine. The requested deadline is COB tomorrow. Please see the areas below indicating who should provide information. You should receive a link to a OneDrive folder momentarily to provide/review draft responses.

Once we have a draft regional response, we'll need to send to HQ for vetting prior to response.

Thanks,

Larry

Director

Office of External Affairs

U.S. Environmental Protection Agency, Region 4

Phone: (404) 562-8304

Email: [lincoln.larry@epa.gov](mailto:lincoln.larry@epa.gov)  
<https://www.epa.gov/aboutepa/about-epa-region-4-southeast>  
Follow Region 4 on Twitter: [www.twitter.com/EPASoutheast](https://www.twitter.com/EPASoutheast)  
And Facebook: [www.facebook.com/eparegion4](https://www.facebook.com/eparegion4)

**From:** Nick Schwellenbach [<mailto:nick@pogo.org>]  
**Sent:** Monday, February 26, 2018 11:00 AM  
**To:** Lincoln, Larry <[Lincoln.Larry@epa.gov](mailto:Lincoln.Larry@epa.gov)>; Pinkney, James <[Pinkney.James@epa.gov](mailto:Pinkney.James@epa.gov)>  
**Cc:** Russ Choma <[rchoma@motherjones.com](mailto:rchoma@motherjones.com)>  
**Subject:** Mother Jones magazine query: Trey Glenn & 35th Ave

Hi Mr. Lincoln and Pinkney,

I am working on an article for Mother Jones magazine that addresses Regional Administrator Trey Glenn's prior consulting work on the 35th Avenue Superfund site for the law firm Balch & Bingham whose client was coal company Drummond.

My questions:

- 1) Did Mr. Glenn interact with the EPA on behalf of Balch or Drummond? What was the nature of his consulting work? (R4ORA)
- 2) Has Mr. Glenn recused himself from any matter involving 35th Avenue? Has he taken any other steps to insulate himself from decisionmaking involving that site? (R4 ORC Deborah Benjamin/John Sheesley)
- 3) What is the status of EPA's proposal to put 35th Avenue on the NPL? Is EPA currently taking any steps to have potentially responsible parties pay for clean up efforts at 35th Ave? Or has that effort stalled? Are there other status updates at the site? (Superfund – Randall Chaffins/RPM)
- 4) After the Justice Department made public its criminal charges against Alabama State Rep. Oliver Robinson for taking bribes to oppose the EPA's actions at the 35th Avenue site, Senior EPA Attorney Robert Caplan wrote in a June 23, 2017 email: "There are many concerns growing out of this situation that we will need to evaluate and monitor moving forward." (R4 ORC(Suzanne Rubini, FOIA?))

"Also, there could be implications that SF [the Superfund office] will need to evaluate."

Did opposition from Alabama state officials, including Robinson, affect the EPA's decisionmaking about what to do with the 35th Avenue site, including placement on the NPL? (R4 Superfund Randall Chaffins,OLEM)

My deadline is close of business Tuesday.

Thanks in advance,  
Nick

--  
--  
Nick Schwellenbach  
Director of Investigations  
Project On Government Oversight  
1100 G Street, NW, Suite 500  
Washington, DC 20005



(p) 202-347-1122

**Remember POGO in the CFC: # 10785**

[www.pogo.org](http://www.pogo.org)

**Cody, Karen**

---

**From:** Benjamin, Deborah  
**Sent:** Monday, November 5, 2018 10:33 AM  
**To:** Hairston, Brandy; Ashbee, Blake; Jenkins, Brandi  
**Cc:** Sheesley, John  
**Subject:** RE: Bradley EPA Event - RSVP List

Hi Brady:

Can you please provide an agenda for Tuesday? We'll need to know the who, what, where, when, and why of this event so we can provide an ethics review. Thanks!

**From:** Hairston, Brandy  
**Sent:** Monday, November 05, 2018 10:25 AM  
**To:** Ashbee, Blake <ashbee.blake@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>  
**Cc:** Benjamin, Deborah <Benjamin.Deborah@epa.gov>  
**Subject:** FW: Bradley EPA Event - RSVP List

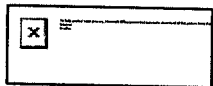
Please see attached the attendee list for Trey's speaking engagement/round table for Tuesday.

Thanks,  
Brandy

**From:** Lackey, Heather <hlackey@bradley.com>  
**Sent:** Monday, November 5, 2018 10:08 AM  
**To:** Hairston, Brandy <hairston.brandy@epa.gov>  
**Subject:** Bradley EPA Event - RSVP List

Brandy,  
Here's the attendee list as of this morning.

Thanks!



**Heather Lackey**  
Business Development and Marketing Coordinator  
e: [hlackey@bradley.com](mailto:hlackey@bradley.com) w: [bradley.com](http://bradley.com)  
d: 205.521.8826  
Bradley Arant Boult Cummings LLP  
One Federal Place, 1819 Fifth Avenue North  
Birmingham, AL 35203-2119  
[LinkedIn](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [Blogs](#)

---

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## Cody, Karen

---

**From:** Hairston, Brandy  
**Sent:** Monday, November 5, 2018 10:36 AM  
**To:** Benjamin, Deborah; Ashbee, Blake; Jenkins, Brandi  
**Cc:** Sheesley, John  
**Subject:** RE: Bradley EPA Event - RSVP List  
**Attachments:** Agenda\_RA Visit to EBCI\_11082018.pdf; EPA Speaking Request - Birmingham.pdf; RSVP List - Bradley EPA Forum with Trey Glenn 11-6-18 (003).pdf

Please see attached. If you have any questions please do not hesitate to ask.

Thank you,  
Brandy

**From:** Benjamin, Deborah  
**Sent:** Monday, November 5, 2018 10:33 AM  
**To:** Hairston, Brandy <hairston.brandy@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>  
**Cc:** Sheesley, John <Sheesley.John@epa.gov>  
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**Subject:** Bradley EPA Event - RSVP List

Brandy,  
Here's the attendee list as of this morning.

Thanks!



**Heather Lackey**

**Business Development and Marketing Coordinator**

e: [hlackey@bradley.com](mailto:hlackey@bradley.com) w: [bradley.com](http://bradley.com)

d: 205.521.8826

**Bradley Arant Boult Cummings LLP**

**One Federal Place, 1819 Fifth Avenue North**

**Birmingham, AL 35203-2119**

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**Visit Between the  
Eastern Band of Cherokee Indians and  
EPA Region 4 Regional Administrator  
November 8, 2018  
Cherokee, North Carolina**



**PROPOSED AGENDA**

8:00 am (45 minutes)	EPA to meet with EBCI Natural Resources and Public Works Departments Staff Transportation Building 1840 Painttown Road
9:00 am (30-45 minutes)	Meeting with Principal Chief Richard Sneed 88 Council House Loop
9:45 am (40 minutes)	Air Quality Monitoring Station Tour
10:30 am (30 minutes)	Tour of EPA-Permitted Trout Hatchery 954 Straight Fork Road
11:00 am (1.5 hours)	Tour of Wastewater Treatment Plant 2000 Old #4 Road
12:30 pm	Lunch Location TBD
2:00 pm	EPA departs Cherokee, North Carolina

**Cody, Karen**

---

**From:** Benjamin, Deborah  
**Sent:** Monday, November 5, 2018 11:32 AM  
**To:** Hairston, Brandy  
**Cc:** Ashbee, Blake; Jenkins, Brandi; Sheesley, John  
**Subject:** FW: Bradley EPA Event - RSVP List  
**Attachments:** Agenda\_RA Visit to EBCI\_11082018.pdf; EPA Speaking Request - Birmingham.pdf; RSVP List - Bradley EPA Forum with Trey Glenn 11-6-18 (003).pdf

Brandy:

Thanks for sending. I have reviewed the list of attendees and none of them are on Trey's Recusal List. I have a few follow-up questions.

Will the law firm (Bradley Arant) be providing lunch? If so, we'll need to know the value of the meal.

Is EPA paying all travel expenses?

If there is an invitation letter can you please share that?

Can you please share Trey's travel itinerary?

Thanks!

**From:** Hairston, Brandy  
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**To:** Benjamin, Deborah <Benjamin.Deborah@epa.gov>; Ashbee, Blake <ashbee.blake@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>  
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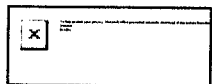
Please see attached the attendee list for Trey's speaking engagement/round table for Tuesday.

Thanks,  
Brandy

**From:** Lackey, Heather <[hlackey@bradley.com](mailto:hlackey@bradley.com)>  
**Sent:** Monday, November 5, 2018 10:08 AM  
**To:** Hairston, Brandy <[hairston.brandy@epa.gov](mailto:hairston.brandy@epa.gov)>  
**Subject:** Bradley EPA Event - RSVP List

Brandy,  
Here's the attendee list as of this morning.

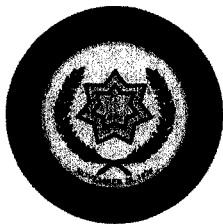
Thanks!



**Heather Lackey**  
Business Development and Marketing Coordinator  
e: [hlackey@bradley.com](mailto:hlackey@bradley.com) w: [bradley.com](http://bradley.com)  
d: 205.521.8826  
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2:00 pm	EPA departs Cherokee, North Carolina



**Cody, Karen**

---

**From:** Hairston, Brandy  
**Sent:** Monday, November 5, 2018 1:00 PM  
**To:** Benjamin, Deborah  
**Cc:** Ashbee, Blake; Jenkins, Brandi; Sheesley, John  
**Subject:** RE: Bradley EPA Event - RSVP List  
**Attachments:** Travel Receipt Communication Attachment 2- M69424 - November 6 2018.pdf

Please see highlighted responses below.

**From:** Benjamin, Deborah  
**Sent:** Monday, November 5, 2018 11:32 AM  
**To:** Hairston, Brandy <hairston.brandy@epa.gov>  
**Cc:** Ashbee, Blake <ashbee.blake@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Sheesley, John <Sheesley.John@epa.gov>  
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Thanks for sending. I have reviewed the list of attendees and none of them are on Trey's Recusal List. I have a few follow-up questions.

Will the law firm (Bradley Arant) be providing lunch? If so, we'll need to know the value of the meal. **They are not providing the lunch.**

Is EPA paying all travel expenses? **Yes**

If there is an invitation letter can you please share that? **There was not a letter of invitation, only the event sheet request form**

Can you please share Trey's travel itinerary? **Attached**

Thanks!

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<Jenkins.Brandi@epa.gov>

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**To:** Hairston, Brandy <hairston.brandy@epa.gov>

**Subject:** Bradley EPA Event - RSVP List

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Here's the attendee list as of this morning.

Thanks!

**Heather Lackey**

Business Development and Marketing Coordinator

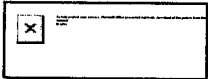
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# trip

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## Washington, District of Columbia, United States

Passenger  
**GLENN ONIS**

Agency Record Locator

**M69424**

Reference number by traveler

**TAA06KH8**



### Ticket Receipt

Total Amount: 1,246.75 USD

Date	From/To	Flight/Vendor	Status
Tuesday, November 6 2018	BHM-DCA	American Airlines 5663	Confirmed
Operated By PSA AIRLINES AS AMERICAN EAGLE			
ElectronicTicket Number	Invoice Number	Form of Payment	Ticket Amount
0017194639204	000101091	CA*****7277	241.20 USD
Service Fee Number		Form of Payment	Service Fee Amount
8900747550450		CA*****7277	35.95 USD
Date	From/To	Flight/Vendor	Status
Wednesday, November 7 2018	DCA-ATL	Delta Air Lines 844	Confirmed
Wednesday, November 7 2018	ATL-AVL	Delta Air Lines 2192	Confirmed
Thursday, November 8 2018	AVL-ATL	Delta Air Lines 3781	Confirmed
Operated By SKYWEST DBA DELTA CONNECTION			
Thursday, November 8 2018	ATL-BHM	Delta Air Lines 975	Confirmed
ElectronicTicket Number	Invoice Number	Form of Payment	Ticket Amount
0067194639205	000101092	CA*****7277	969.60 USD



## Travel Summary

Date	From/To	Flight/Vendor	Status	Depart/Arrive	Class/Type	Baggage Allowance
11/06/2018	BHM-DCA	AA-5663*	Confirmed	05:41 PM/08:52 PM	Economy/G	0PC
11/06/2018	WAS	Hilton Crystal City Natl Arpt	Confirmed	11/06-11/07		
11/07/2018	DCA-ATL	DL 844	Confirmed	01:45 PM/03:39 PM	Economy/M	0PC
11/07/2018	ATL-AVL	DL 2192	Confirmed	04:25 PM/05:21 PM	Economy/M	0PC
11/07/2018	AVL	Fairfield Inn N Stes Marriott	Confirmed	11/07-11/08		
11/08/2018	AVL-ATL	DL 3781*	Confirmed	04:00 PM/05:10 PM	Economy/Y	0PC
11/08/2018	ATL-BHM	DL 975	Confirmed	07:00 PM/06:53 PM	Economy/Y	0PC



## Flight

Total duration  
2 h 11 min



Not working?

**American Airlines AA5663**

Online check-in

Airline Record Locator **DDPBQF**

Loyalty Number **XXXXB68**

# BHM



# DCA

Birmingham International  
Airport  
Birmingham, Alabama, United  
States

2 h 11 min  
652 miles  
1049 kilometers

Ronald Reagan National  
Washington, District of  
Columbia, United States

Departure

**Tuesday**

**November 6 2018**

Weather

**5:41 PM**

Seat

**Assigned at Check-in**

Economy

Confirmed

Arrival

**Tuesday**

**November 6 2018**

Weather

**8:52 PM**

**Terminal C**

✈ **\*Operated By: Psa Airlines As American Eagle**

CO2 Emissions: 286.88 lbs/130.4 kgs

Non-stop

Equipment: Canadair Regional Jet

Baggage Allowance: 0PC

### Notes:

SEAT ASSIGNMENT RESTRICTED TO AIRPORT/ONLINE CHECK-IN.  
FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE  
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.  
PLEASE CHECK [WWW.AA.COM](http://WWW.AA.COM)



## Hilton Crystal City Natl Arpt

Confirmation **3494696862**  
Loyalty Number **XXXX82066**

Address 2399 Jefferson Davis Highwa. Arlington, VA 22202, United States  
+1 (703) 418-6800

Check In  
Tuesday  
November 6 2018

Weather

Rate per night

1 nights

USD 181.00 plus tax and any  
additional fees  
Confirmed

Check Out  
Wednesday  
November 7 2018

Weather

CO2 Emissions Per night is approximately 63.8 lbs/29 kgs

Number of Rooms 1

Guaranteed Yes

**Cancellation Policy Cancel by 400PM day of arrival local hotel time to avoid any charges.**

Fax +1 (703) 418-3763

Number of Persons 1

Corp. Discount XXXX0428

### Notes:

CREDIT CARD REQUIRED AT CHECK IN



## Flight

Total duration  
3 h 36 min



Not working?

**Delta Air Lines DL844**

Online check-in

Airline Record Locator **H6WHOJ**  
Loyalty Number **XXXX555261**

# DCA

Ronald Reagan National  
Washington, District of  
Columbia, United States



1 h 54 min  
546 miles  
879 kilometers

# ATL

Hartsfield-Jackson ATL  
Atlanta, Georgia, United States

Departure

Seat

Arrival

Wednesday  
November 7 2018

Weather

**1:45 PM**

**Terminal B**

**371 (Non smoking)  
Confirmed**

Economy  
Confirmed

Wednesday  
November 7 2018

Weather

**3:39 PM**

**Terminal South**

✈ CO2 Emissions: 240.24 lbs/109.2 kgs  
Non-stop  
Equipment: Airbus Industrie A321  
Baggage Allowance: 0PC

**Notes:**

AN AISLE SEAT IS NOT AVAILABLE  
WE WILL CONTINUE TO MONITOR UNTIL DEPARTURE.  
FOR UP TO DATE TRAVEL INFORMATION ON AIRLINE  
CHECK-IN/RESTRICTIONS/LIMITATIONS/SECURITY.  
PLEASE CHECK WWW.DELTA.COM

**Layover**

0 h 46 min

**Delta Air Lines DL2192**

Online check-in

**Airline Record Locator H6WHOJ**

**Loyalty Number XXXX555261**

**ATL**



0 h 56 min

164 miles

264 kilometers

**AVL**

Hartsfield-Jackson ATL  
Atlanta, Georgia, United States

Asheville Regional Airport  
Asheville, North Carolina,  
United States

**Departure**  
**Wednesday**  
**November 7 2018**

Weather

**4:25 PM**

**Terminal South**

**Seat**

**21B (Non smoking)  
Confirmed**

Economy  
Confirmed

**Arrival**  
**Wednesday**  
**November 7 2018**

Weather

**5:21 PM**

✈ CO2 Emissions: 90.2 lbs/41 kgs  
Non-stop  
Equipment: Boeing 717-200  
Baggage Allowance: 0PC



## Fairfield Inn N Stes Marriott



Not working?

Confirmation **82671944**  
Loyalty Number **XXXX30576**

Address 568 Painttown Road, Cherokee, NC 28719, United States  
+1 (828) 497-0400

Check In  
**Wednesday**  
**November 7 2018**

Weather

Rate per night

**1 nights**

USD 94.00 plus tax and any  
additional fees  
Confirmed

Check Out  
**Thursday**  
**November 8 2018**

Weather

CO2 Emissions Per night is approximately 63.8 lbs/29 kgs

Number of Rooms 1

Guaranteed Yes

**Cancellation Policy Cancel 2 days prior to arrival local hotel time to avoid any charges.**

Fax +1 (828) 497-4040

Number of Persons 1

### Notes:

CREDIT CARD REQUIRED AT CHECK IN



## Flight

Total duration  
3 h 52 min



Not working?

**Delta Air Lines DL3781**

Online check-in

Airline Record Locator **H6WHOJ**  
Loyalty Number **XXXX555261**

# AVL

Asheville Regional Airport  
Asheville, North Carolina,  
United States



1 h 10 min  
164 miles  
264 kilometers

# ATL

Hartsfield-Jackson ATL  
Atlanta, Georgia, United States

Departure  
**Thursday**  
**November 8 2018**

Weather

Seat  
**12A (Non smoking)**  
**Confirmed**

Arrival  
**Thursday**  
**November 8 2018**

Weather

**4:00 PM**

Economy  
Confirmed

**5:10 PM**  
**Terminal South**

✈ **\*Operated By: Skywest Dba Delta Connection**

CO2 Emissions: 90.2 lbs/41 kgs

Non-stop

Equipment: Canadair Regional Jet

Baggage Allowance: 0PC

**Notes:**

AN AISLE SEAT IS NOT AVAILABLE.

WE WILL CONTINUE TO MONITOR UNTIL DEPARTURE.

**Layover**

1 h 49 min

**Delta Air Lines DL975**

Online check-in

**Airline Record Locator H6WHOJ**

**Loyalty Number XXXX555261**

**ATL**



0 h 53 min  
134 miles  
216 kilometers

**BHM**

Hartsfield-Jackson ATL  
Atlanta, Georgia, United States

Birmingham International  
Airport  
Birmingham, Alabama, United  
States

Departure  
**Thursday**  
**November 8 2018**

Weather

**7:00 PM**

**Terminal South**

Seat  
**20C (Non smoking)**  
**Confirmed**

Economy  
Confirmed

Arrival  
**Thursday**  
**November 8 2018**

Weather

**6:53 PM**

✈ CO2 Emissions: 73.7 lbs/33.5 kgs

Non-stop

Equipment: Boeing (Douglas) MD-88

Baggage Allowance: 0PC



## Remarks

FOR 24/7 TRAVEL ASSISTANCE PLEASE CONTACT  
THE BCD TRAVEL TEAM AT 1-866-964-1346  
FOR OUTSIDE THE US CALL COLLECT 770-829-2609  
FOR THE HEARING IMPAIRED- PLEASE DIAL 711  
TO ACCESS RELAY SERVICE- PROVIDE PHONE  
NUMBER OF 1-866-964-1346 TO ACCESS TRAVEL  
\*\*\*\*\*

DUE TO RECENT CHANGES IN THE FY15 GOVERNMENT CITY PAIR  
PROGRAM/CPP YOUR AIR RESERVATIONS ARE SUBJECT TO  
CANCELLATION BY THE AIRLINES IF NOT TICKETED AT LEAST  
48 HOURS PRIOR TO SCHEDULED DEPARTURE  
PLEASE ENSURE ALL NECESSARY APPROVALS ARE PROCESSED IN  
ACCORDANCE WITH YOUR AGENCY'S BUSINESS RULES BUT NO LESS  
THAN 3 BUSINESS DAYS PRIOR TO DEPARTURE TO ENSURE TICKETING.  
THIS 48 HOUR CANCELLATION RULE DOES NOT APPLY TO  
INTERNATIONAL RESERVATIONS UNLESS YOUR TRIP HAS DOMESTIC  
CONNECTIONS ON MORE THAN ONE AIRLINE OR THESE  
RESERVATIONS REQUIRE SEPARATE AIR TICKETS.  
\*\*\*\*\*

AIRFARES ARE ONLY GUARANTEED UPON TICKET ISSUANCE.  
THIS IS A NEGOTIATED FARE VALID ONLY ON BOOKED CARRIER.  
AISLE PREFERRED SEATING NOT AVAILABLE AT TIME OF BOOKING.  
SEATING RESTRICTED TO AIRPORT CHECK IN ONLY  
CHECK-IN TIMES ARE 90 MINUTES PRIOR TO DEPARTURE  
FOR DOMESTIC FLIGHTS OR 120 MINUTES FOR INTERNATIONAL  
ELECTRONIC TICKET/S/ WILL BE ISSUED FOR THIS TRIP  
CHECKED BAGGAGE POLICIES VARY BASED ON CARRIER AND FINAL  
WITH YOUR TRAVEL CONSULTANT OR THE AIRLINES WEBSITE.  
PLEASE CHECK AT THE GATE FOR YOUR DESIRED SEATING.  
DESTINATION. FOR THE LATEST INFORMATION PLEASE CHECK

31Oct/02:37PM



Estimated trip total

1,520.59 USD

Air	Car	Hotel	Rail	Other
1,210.80 USD		309.79 USD		

### Fare details: Ticketed

Vendor	Fare information	Refund restrictions before departure	Change restrictions after ticketing	Ticket information
Air AA5663* 06Nov	<b>Total:</b> <b>USD 241.20</b>	REFUND RESTRICTIONS MAY APPLY	CHANGE RESTRICTIONS MAY APPLY	
Air DL844 07Nov DL2192 07Nov DL3781* 08Nov DL975 08Nov	<b>Total:</b> <b>USD 969.60</b>	REFUND RESTRICTIONS MAY APPLY	CHANGE RESTRICTIONS MAY APPLY	

All quotes are provider quotes excluding possible taxes and charges en route. Currency conversions shown in this itinerary receipt are done using the bank rate applicable at the date shown in the header of this document. Please note that some local taxes and charges may be invoiced during your trip and cannot be shown at time of reservation.

Email generated on 31Oct/7:37 PM UTC

## Additional trip information

### Baggage Policy

**TRAVELER NOTICE** - Many airlines charge fees for baggage and other services. Amounts vary by airline and are subject to change. Travelers are responsible for verifying all fees charged by individual carriers. **Please visit the operating carrier website of your ticketed itinerary for applicable fees.**

### Hazardous Materials

#### Advice to Passengers

##### Transportation of Hazardous Materials

Federal law forbids the carriage of hazardous material aboard the aircraft, in your luggage, or on your person. A violation can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C 5124). Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

##### Forbidden Dangerous Items Examples:

Paints, lighter fluid, fireworks, tear gases, oxygen bottles and radiopharmaceuticals. There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person. For further information, contact your airline representative.

**Note:** Spare batteries and fuel cells are not permitted in checked or hold baggage. These items **MUST** be packed in carry-on baggage. If your carry-on bag is gate checked, the spare batteries and fuel cells must be removed and carried in the cabin.

To access historical itineraries/travel receipts click [here](#).

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**Cody, Karen**

---

**From:** Benjamin, Deborah  
**Sent:** Monday, November 5, 2018 2:55 PM  
**To:** Hairston, Brandy  
**Cc:** Ashbee, Blake; Jenkins, Brandi; Sheesley, John  
**Subject:** RE: Bradley EPA Event - RSVP List

Brandy:

Thanks for sending. I have reviewed the Bradley Arant event scheduled for tomorrow, and find it presents no financial conflicts of interest, or gift issues, and does not run afoul of the ethics regulations. I note that the attendees include representatives of corporations that are members of industries which are regulated by EPA. I do not know, however, if any of them have matters that are currently pending before EPA. If Trey has any concerns about outside communications with any of them raising an appearance of impropriety, he should feel free to contact me for further ethics review. Thanks.

**From:** Hairston, Brandy  
**Sent:** Monday, November 05, 2018 1:00 PM  
**To:** Benjamin, Deborah <Benjamin.Deborah@epa.gov>  
**Cc:** Ashbee, Blake <ashbee.blake@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Sheesley, John <Sheesley.John@epa.gov>  
**Subject:** RE: Bradley EPA Event - RSVP List

Please see highlighted responses below.

**From:** Benjamin, Deborah  
**Sent:** Monday, November 5, 2018 11:32 AM  
**To:** Hairston, Brandy <hairston.brandy@epa.gov>  
**Cc:** Ashbee, Blake <ashbee.blake@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Sheesley, John <Sheesley.John@epa.gov>  
**Subject:** FW: Bradley EPA Event - RSVP List

Brandy:

Thanks for sending. I have reviewed the list of attendees and none of them are on Trey's Recusal List. I have a few follow-up questions.

Will the law firm (Bradley Arant) be providing lunch? If so, we'll need to know the value of the meal. **They are not providing the lunch.**

Is EPA paying all travel expenses? **Yes**

If there is an invitation letter can you please share that? **There was not a letter of invitation, only the event sheet request form**

Can you please share Trey's travel itinerary? **Attached**

Thanks!

**From:** Hairston, Brandy  
**Sent:** Monday, November 05, 2018 10:36 AM  
**To:** Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>; Ashbee, Blake <[ashbee.blake@epa.gov](mailto:ashbee.blake@epa.gov)>; Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>  
**Cc:** Sheesley, John <[Sheesley.John@epa.gov](mailto:Sheesley.John@epa.gov)>  
**Subject:** RE: Bradley EPA Event - RSVP List

Please see attached. If you have any questions please do not hesitate to ask.

Thank you,  
Brandy

**From:** Benjamin, Deborah  
**Sent:** Monday, November 5, 2018 10:33 AM  
**To:** Hairston, Brandy <[hairston.brandy@epa.gov](mailto:hairston.brandy@epa.gov)>; Ashbee, Blake <[ashbee.blake@epa.gov](mailto:ashbee.blake@epa.gov)>; Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>  
**Cc:** Sheesley, John <[Sheesley.John@epa.gov](mailto:Sheesley.John@epa.gov)>  
**Subject:** RE: Bradley EPA Event - RSVP List

Hi Brady:

Can you please provide an agenda for Tuesday? We'll need to know the who, what, where, when, and why of this event so we can provide an ethics review. Thanks!

**From:** Hairston, Brandy  
**Sent:** Monday, November 05, 2018 10:25 AM  
**To:** Ashbee, Blake <[ashbee.blake@epa.gov](mailto:ashbee.blake@epa.gov)>; Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>  
**Cc:** Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>  
**Subject:** FW: Bradley EPA Event - RSVP List

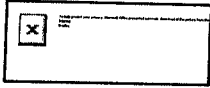
Please see attached the attendee list for Trey's speaking engagement/round table for Tuesday.

Thanks,  
Brandy

**From:** Lackey, Heather <[hlackey@bradley.com](mailto:hlackey@bradley.com)>  
**Sent:** Monday, November 5, 2018 10:08 AM  
**To:** Hairston, Brandy <[hairston.brandy@epa.gov](mailto:hairston.brandy@epa.gov)>  
**Subject:** Bradley EPA Event - RSVP List

Brandy,  
Here's the attendee list as of this morning.

Thanks!



**Heather Lackey**

**Business Development and Marketing Coordinator**

e: [hlackey@bradley.com](mailto:hlackey@bradley.com) w: [bradley.com](http://bradley.com)

d: 205.521.8826

**Bradley Arant Boult Cummings LLP**

**One Federal Place, 1819 Fifth Avenue North  
Birmingham, AL 35203-2119**

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## EVENT INFORMATION SHEET

**CAVEAT:** If Mr. Glenn is summoned to go to headquarters on the day of the event, he will go. We will try our best to provide you with a substitute speaker from EPA.

<b>EVENT:</b>	EPA Seminar (specific subject TBD by Trey Glenn)
<b>INVITATION BY:</b>	Buddy Cox & Mike Brown
<b>DATE:</b>	11/6/18
<b>TIME:</b>	11:30 a.m. – 1:30 p.m.
<b>LOCATION:</b> (include street address)	Bradley Arant Boult Cummings, LLP 1819 5 <sup>th</sup> Avenue North Birmingham, AL 35203
<b>INTRODUCTION BY:</b>	Buddy Cox
<b>INTENDED SPEECH SUBJECT:</b>	Mr. Glenn to speak briefly on current regional EPA priorities and goals, then open it up to attendees for Q&A
<b>INTENDED LENGTH OF SPEECH:</b>	30 minutes for his overview; approx. 1 hour for Q&A
<b>AUDIENCE/ATTENDEES:</b> (Please include a separate list of all known attendees, especially those who work for a company or organization. List name, position, and company/organization)	
<b>SPECIAL ATTENDEES:</b> (Please list)	
<b>PRESS/MEDIA (open or closed press?)</b>	Closed press
<b>EVENT POC (AND TELEPHONE/CELL #):</b>	Heather Lackey (205.521.8826 / 205. 908.7552)
Internal EPA: EPA SPEECH POC:  EPA SUBJECT POC:  STAFF PERSON ACCOMPANYING RA:	
<b>BACKGROUND/COMMENTS:</b>	

<b>REGISTRATION INFORMATION/LOCATION/CCOST:</b>	<a href="https://communications.bradley.com/23/1373/october-2018/epa-forum-with-trey-glenn.asp">https://communications.bradley.com/23/1373/october-2018/epa-forum-with-trey-glenn.asp</a>
<b>DRESS:</b>	No cost to participants Business Attire
<b>COMMENTS:</b>	
<b>ARE YOU A REGISTERED FEDERAL LOBBYIST?</b>	No

**ATTENDEES:**



<b>Last-Name</b>	<b>First-Name</b>	<b>Company</b>
Brown	Mike	Bradley
Bumb	Cathleen	Eastman Chemical Company
Carroll	David	Hunt Refining Company
Cox	Buddy	Bradley
Crabb	Roger	Warrior Met Coal, Inc.
Gilkey Shuford	Yvette	Hyundai Motors Manufacturing Alabama
Glenn	Trey	U.S. Environmental Protection Agency
Griebel	Russ	United Consulting
Howle	Joe	Vulcan Materials
Johnson	Claire	Bradley
Kuehnert	Joel	Bradley
Lackey	Heather	Bradley
Lenoir	Joe	Hanna Steel
Macolly Harris	Gayle	Eastman
Marsh	Randy	Commercial Metals Company
Milledge	John	John B. D. Milledge, LLC
Monroe	Phillip	Warrior Met Coal
Oliver	Trey	Bradley
Radia	Jeet	McWane, Inc.
Robichaux	Ryan	Bradley
Sanderson	Suzan	Warrior Met Coal
Saunders	Philip	Warrior Met Coal
Stanhouse	Bill	Warrior Met Coal
Stewart	David	Bradley
Tunnell	Stephen	Hyundai Motor Manufacturing Alabama, LLC
Warren	Bill	LAH Commercial Real Estate

<b>Title</b>	<b>Email</b>
Partner	<a href="mailto:mbrown@bradley.com">mbrown@bradley.com</a>
Director, Remediation and Senior Environmental Counsel	<a href="mailto:csbumb@eastman.com">csbumb@eastman.com</a>
Senior Vice President and General Counsel	<a href="mailto:dcarroll@huntrefining.com">dcarroll@huntrefining.com</a>
Partner	<a href="mailto:bc Cox@bradley.com">bc Cox@bradley.com</a>
Manager of Real Estate Portfolio	<a href="mailto:roger.crabb@warriormetcoal.com">roger.crabb@warriormetcoal.com</a>
Director of Administration	<a href="mailto:yvettegilkey@hmmausa.com">yvettegilkey@hmmausa.com</a>
Region 4 Administrator	
EVP	<a href="mailto:rgriebel@unitedconsulting.com">rgriebel@unitedconsulting.com</a>
Environmental Services Manager	<a href="mailto:howlej@vmcmail.com">howlej@vmcmail.com</a>
Associate Attorney	<a href="mailto:cbjohnson@bradley.com">cbjohnson@bradley.com</a>
Partner	<a href="mailto:jkuehnert@bradley.com">jkuehnert@bradley.com</a>
Business Development & Marketing Coordinator	<a href="mailto:hlackey@bradley.com">hlackey@bradley.com</a>
Environmental Affairs	<a href="mailto:jlinoir@hannasteel.com">jlinoir@hannasteel.com</a>
Remediation Manager	<a href="mailto:egmaco@eastman.com">egmaco@eastman.com</a>
Director of Operations	<a href="mailto:randy.marsh@cmc.com">randy.marsh@cmc.com</a>
Attorney	<a href="mailto:jmilledgeattorney@gmail.com">jmilledgeattorney@gmail.com</a>
General Counsel	<a href="mailto:phil.monroe@warriormetcoal.com">phil.monroe@warriormetcoal.com</a>
Associate Attorney	<a href="mailto:toliver@bradley.com">toliver@bradley.com</a>
Senior Vice President	<a href="mailto:jeet.radia@mcwane.com">jeet.radia@mcwane.com</a>
Senior Attorney	<a href="mailto:rrobichaux@bradley.com">rrobichaux@bradley.com</a>
Manager of Real Estate Portfolio	<a href="mailto:suzan.sanderson@warriormetcoal.com">suzan.sanderson@warriormetcoal.com</a>
VP-Engineering	<a href="mailto:philip.saunders@warriormetcoal.com">philip.saunders@warriormetcoal.com</a>
VP-External Affairs	<a href="mailto:william.stanhouse@warriormetcoal.com">william.stanhouse@warriormetcoal.com</a>
Partner	<a href="mailto:dstewart@bradley.com">dstewart@bradley.com</a>
Manager / EHS	<a href="mailto:Stephen.Tunnell@hmmausa.com">Stephen.Tunnell@hmmausa.com</a>
Realtor	<a href="mailto:bwarren@lahrealestate.com">bwarren@lahrealestate.com</a>

**From:** Fugh, Justina  
**To:** Ross, Mary; Palmer, Leif; Sheesley, John; Deborah Benjamin; Daniels-Lewis, Alicia; Sawyer, Bonnie; Wetherington, Michele  
**Subject:** (Region 4) Embedding Ethics in the Calendaring Process for Your Regional Administrator  
**Date:** Thursday, September 06, 2018 2:24:00 PM  
**Attachments:** [OVERVIEW - one-pager on ethics vetting of invitations.pdf](#)  
[BROCHURE - Engage in Ethics.pdf](#)  
[Glenn recusal signed 1 10 18.pdf](#)

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Dear Region 4 Ethics Officials,

As you may recall, earlier in the summer (June 22) I wrote to you about senior leaders getting appropriate ethics counseling and support regarding their calendars and events. OGC/Ethics calls this effort "reviewing and/or vetting invitations."

The best way to help your principal identify and resolve ethics issues with their calendars is to work more closely with them. To that end, OGC/Ethics encourages you to embed ethics in the vetting process for your principal. Set forth below is an overview of this counseling practice, how to begin implementing the vetting process, and information on the training sessions we will provide so that you know how to counsel in this area.

**OVERVIEW:**

**Embedding Ethics in Vetting the Calendar and Staffing Events for Your Principal**

The ethics process doesn't stop when your principal comes on board. By principal, we mean the most senior (typically political) leader in your organization. For Regions, that means the Regional Administrator, and for Headquarters, the Assistant Administrators.

Your principal goes through a robust ethics screening when entering government service. OGC/Ethics carefully reviews the new entrant financial disclosure report, identifies ethics issues (such as the need for recusal, divestiture of assets, or resignations from positions), drafts documents to memorialize these ethics obligations and responsibilities, and provides one hour of in-person ethics training when they come on board.

After this intensive burst of ethics counseling at the beginning of their tenure, however, the ethics process should not stop. The need for proactive ethics counseling is necessary to help your principal avoid ethics issues and maintain the integrity of agency operations.

One of the more visible ways ethics issues present themselves is through the calendaring process of the principal. We strongly encourage you to be more

involved in that process, to catch potential issues at the outset, and to provide advice about what the principal and/or the Agency may or may not do. Here are just a few of the types of ethics issues that come up:

- President's Ethics Pledge – Lobbyist Gift Ban
- Invitations to Fundraisers
- Screening for Recusal Obligations
- Invitations to Political Events
- Gifts
- Endorsements
  - Meals related to speaking engagements
  - Receptions
  - Gifts of Travel

Currently, OGC/Ethics works with the staff of the Administrator, Deputy Administrator, and General Counsel to vet their calendars. Based on our experience, we want to routinize the ethics vetting process across the agency for its principals and do a better job of “embedding ethics” into the principal’s calendaring processes. While this is not a new requirement, we’re taking this opportunity to implement more consistency and uniformity in this important ethics area.

Next, I’ll explain how we envision rolling out the effort.

#### IMPLEMENTATION:

##### How to Embed Ethics into the Principal’s Scheduling Process

You’ll need to work with your Principal and his or her staff to develop a procedure of integrating ethics advice into the scheduling process. In terms of what to vet, OGC/Ethics expects that you will vet the following (at a minimum):

- any external (to the agency) event the principal is seriously considering prior to confirmation of attendance;
- EPA-hosted meetings at which external parties are present; and
- the detailed travel itinerary (often referred to as the travel line-by-line) when the principal is in travel status.

To do this, OGC/Ethics will provide you with several tools to aid in the procedure:

- An event request form for external persons to complete when requesting the principal to attend their event. This form will provide you with the information you need to either provide ethics advice or determine if you

need additional information.

- Sample templates you may use to craft your ethics advice.
- Lobbyist gift ban guidance document: how to search for federally registered lobbyists and a cheat sheet for determining which gift exceptions are available.
- Examples of documents you may encounter while reviewing invitations such as invitation letters, completed event request forms, travel line-by-line, email threads.

Finally, implementation of this process will also involve training. We anticipate that you will provide training to your own employees who staff the Regional Administrator. These staffers need to understand the ethics issues that arise, why it's important that ethics review is integrated into the calendaring process, understand what they can and cannot do, and it will help establish an effective working relationship with you.

Okay! You're probably reading this and thinking, "Wow. This is big and will take some resources." You're right. If you are not currently staffing your principal in this way, then, OGC/Ethics recognizes that this may be a big change in your counseling practice. But, it's time and effort well spent now to minimize drama later as it avoids ethics pitfalls. Thank you in advance for helping the agency's ethics program create a more uniform and meaningful way to counsel our principals! OGC/Ethics will support you as you undertake these efforts.

#### TRAINING:

##### How to review events in which your Principal may want to participate

As we move into fall, Jennie Keith of OGC/Ethics will provide detailed and practical training via webinar on the most common ethics issues that arise when scheduling the principal, the factors that drive the outcome of ethics advice, important parameters, and best practices for effective relationships and processes. We expect this training to take 2.5 hours of time.

After you receive this training, we will need for you to provide a version of this training to the employees who staff your Regional Administrator. OGC/Ethics will provide the handout for you to give the staffers.

In addition, Jennie Keith will also provide a separate one-hour session just on the lobbyist gift ban which will include a demonstration of how to look up lobbyists and lobbying organizations.

## SCOPE:

### What OGC/Ethics is doing to pave the way for embedding ethics into the principal's scheduling process

In addition to communicating, coordinating, and training you, OGC/Ethics is doing to following to embed ethics into the scheduling processes of the Agency's senior leaders:

1. Communicating with the principals about integrating ethics advice into their calendaring process;
2. Training principals about ethics issues that arise during the calendaring process which is currently scheduled for September 10, 2018 at 2:00pm EST during the senior staff meeting;
3. Training HQ employees who calendar and staff their principal about ethics issues in the scheduling process;
4. Implementing a more uniform process across the agency to ensure ethics advice is embedded in the scheduling process via an event request form and ensuring travel line-by-line itineraries incorporate ethics review;
5. Coordinating with other appropriate ethics officials when principals are traveling together;
6. Supporting ethics officials, principals and their staff as we embark on embedding ethics in the scheduling process; and
7. Offering training on a regular basis.

### ACTION: What you need to do right now

1. Please confirm with OGC/Ethics (Jennie Keith) with whom you are designating to take the training (this is very good general ethics training even though it's targeted to vetting invitations). Let her know their availability during the months of September and October.
2. Confirm to OGC/Ethics (Jennie Keith) with whom you are designating to attend the training with your principal scheduled for September 10 (training will likely begin at 3PM EST even though the senior staff meeting starts at 2PM EST – the meeting has been extended to include this training). Print out copies of the attachments to this email for you and your principal, and bring them to the training as these will be discussed.
3. Tell OGC/Ethics (Jennie Keith) who the employees are who regularly staff

the Regional Administrator or are heavily involved in the calendaring process. For example, chiefs of staff, travel coordinators, support staff, special assistants, senior advisors, public affairs, etc. These employees may be career or political. Send this list to Jennie Keith – not because OGC/Ethics will train them, but rather to coordinate the email your principal will send to these folks about this effort. These are also the folks you will train.

4. Bring your questions or items you'd like to discuss about this effort to the next monthly ethics officials meetings during the week of September 10. OGC/Ethics will hold an open forum to talk about this effort before scheduling the trainings.

We know that this will take some time to implement and there may be some bumps as all parties adjust to a different calendaring process. You will have to work closely with the principal's staff make sure the scheduling process works for all and that ethics issues are considered. We will be there for you and help support you! By implementing this counseling practice in your ethics program, we will make the agency's ethics program more effective, strong, and visible, thereby increasing the awareness of all of our ethics obligations and protecting the public's trust. On behalf of OGC/Ethics, thank you.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Fugh, Justina  
**To:** Ross, Mary; Palmer, Leif; Sheesley, John; Deborah Benjamin; Daniels-Lewis, Alicia; Sawyer, Bonnie; Wetherington, Michele  
**Cc:** Keith, Jennie  
**Subject:** (Region 4) Embedding Ethics in the Calendaring Process for Your Regional Administrator  
**Date:** Thursday, September 06, 2018 2:30:00 PM  
**Attachments:** [OVERVIEW - one-pager on ethics vetting of invitations.pdf](#)  
[BROCHURE - Engage in Ethics.pdf](#)  
[Glenn recusal signed 1 10 18.pdf](#)

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(I have one job... forward the emails and cc Jennie. Forgot to cc Jennie. Sheesh!)

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##### How to review events in which your Principal may want to participate

As we move into fall, Jennie Keith of OGC/Ethics will provide detailed and practical training via webinar on the most common ethics issues that arise when scheduling the principal, the factors that drive the outcome of ethics advice, important parameters, and best practices for effective relationships and processes. We expect this training to take 2.5 hours of time.

After you receive this training, we will need for you to provide a version of this training to the employees who staff your Regional Administrator. OGC/Ethics will provide the handout for you to give the staffers.

In addition, Jennie Keith will also provide a separate one-hour session just on the lobbyist gift ban which will include a demonstration of how to look up

lobbyists and lobbying organizations.

SCOPE:

What OGC/Ethics is doing to pave the way for embedding ethics into the principal's scheduling process

In addition to communicating, coordinating, and training you, OGC/Ethics is doing to following to embed ethics into the scheduling processes of the Agency's senior leaders:

1. Communicating with the principals about integrating ethics advice into their calendaring process;
2. Training principals about ethics issues that arise during the calendaring process which is currently scheduled for September 10, 2018 at 2:00pm EST during the senior staff meeting;
3. Training HQ employees who calendar and staff their principal about ethics issues in the scheduling process;
4. Implementing a more uniform process across the agency to ensure ethics advice is embedded in the scheduling process via an event request form and ensuring travel line-by-line itineraries incorporate ethics review;
5. Coordinating with other appropriate ethics officials when principals are traveling together;
6. Supporting ethics officials, principals and their staff as we embark on embedding ethics in the scheduling process; and
7. Offering training on a regular basis.

ACTION: What you need to do right now

1. Please confirm with OGC/Ethics (Jennie Keith) with whom you are designating to take the training (this is very good general ethics training even though it's targeted to vetting invitations). Let her know their availability during the months of September and October.
2. Confirm to OGC/Ethics (Jennie Keith) with whom you are designating to attend the training with your principal scheduled for September 10 (training will likely begin at 3PM EST even though the senior staff meeting starts at 2PM EST – the meeting has been extended to include this training). Print out copies of the attachments to this email for you and your principal, and bring them to the training as these will be discussed.

3. Tell OGC/Ethics (Jennie Keith) who the employees are who regularly staff the Regional Administrator or are heavily involved in the calendaring process. For example, chiefs of staff, travel coordinators, support staff, special assistants, senior advisors, public affairs, etc. These employees may be career or political. Send this list to Jennie Keith – not because OGC/Ethics will train them, but rather to coordinate the email your principal will send to these folks about this effort. These are also the folks you will train.
4. Bring your questions or items you'd like to discuss about this effort to the next monthly ethics officials meetings during the week of September 10. OGC/Ethics will hold an open forum to talk about this effort before scheduling the trainings.

We know that this will take some time to implement and there may be some bumps as all parties adjust to a different calendaring process. You will have to work closely with the principal's staff make sure the scheduling process works for all and that ethics issues are considered. We will be there for you and help support you! By implementing this counseling practice in your ethics program, we will make the agency's ethics program more effective, strong, and visible, thereby increasing the awareness of all of our ethics obligations and protecting the public's trust. On behalf of OGC/Ethics, thank you.

Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Walker, Mary](#); [Palmer, Leif](#); [Sheesley, John](#); [Benjamin, Deborah](#); [Daniels-Lewis, Alicia](#); [Sawyer, Bonnie](#); [Wetherington, Michele](#)  
**Subject:** (Region 4) Embedding Ethics in the Calendaring Process for Your Regional Administrator  
**Date:** Thursday, September 06, 2018 2:54:00 PM  
**Attachments:** [OVERVIEW - one-pager on ethics vetting of invitations.pdf](#)  
[BROCHURE - Engage in Ethics.pdf](#)  
[Glenn recusal signed 1 10 18.pdf](#)

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(I have one job: forward the emails to recipients and cc Jennie. Of course I typed in the wrong "Mary." Sheesh! Sorry, Mary Walker! Trying again!)

Dear Region 4 Ethics Officials,

As you may recall, earlier in the summer (June 22) I wrote to you about senior leaders getting appropriate ethics counseling and support regarding their calendars and events. OGC/Ethics calls this effort "reviewing and/or vetting invitations."

The best way to help your principal identify and resolve ethics issues with their calendars is to work more closely with them. To that end, OGC/Ethics encourages you to embed ethics in the vetting process for your principal. Set forth below is an overview of this counseling practice, how to begin implementing the vetting process, and information on the training sessions we will provide so that you know how to counsel in this area.

#### OVERVIEW:

#### Embedding Ethics in Vetting the Calendar and Staffing Events for Your Principal

The ethics process doesn't stop when your principal comes on board. By principal, we mean the most senior (typically political) leader in your organization. For Regions, that means the Regional Administrator, and for Headquarters, the Assistant Administrators.

Your principal goes through a robust ethics screening when entering government service. OGC/Ethics carefully reviews the new entrant financial disclosure report, identifies ethics issues (such as the need for recusal, divestiture of assets, or resignations from positions), drafts documents to memorialize these ethics obligations and responsibilities, and provides one hour of in-person ethics training when they come on board.

After this intensive burst of ethics counseling at the beginning of their tenure, however, the ethics process should not stop. The need for proactive ethics counseling is necessary to help your principal avoid ethics issues and maintain the integrity of agency operations.

One of the more visible ways ethics issues present themselves is through the

calendar process of the principal. We strongly encourage you to be more involved in that process, to catch potential issues at the outset, and to provide advice about what the principal and/or the Agency may or may not do. Here are just a few of the types of ethics issues that come up:

- President's Ethics Pledge – Lobbyist Gift Ban
- Invitations to Fundraisers
- Screening for Recusal Obligations
- Invitations to Political Events
- Gifts
- Endorsements
  - Meals related to speaking engagements
  - Receptions
  - Gifts of Travel

Currently, OGC/Ethics works with the staff of the Administrator, Deputy Administrator, and General Counsel to vet their calendars. Based on our experience, we want to routinize the ethics vetting process across the agency for its principals and do a better job of “embedding ethics” into the principal’s calendar processes. While this is not a new requirement, we’re taking this opportunity to implement more consistency and uniformity in this important ethics area.

Next, I’ll explain how we envision rolling out the effort.

#### IMPLEMENTATION:

##### How to Embed Ethics into the Principal’s Scheduling Process

You’ll need to work with your Principal and his or her staff to develop a procedure of integrating ethics advice into the scheduling process. In terms of what to vet, OGC/Ethics expects that you will vet the following (at a minimum):

- any external (to the agency) event the principal is seriously considering prior to confirmation of attendance;
- EPA-hosted meetings at which external parties are present; and
- the detailed travel itinerary (often referred to as the travel line-by-line) when the principal is in travel status.

To do this, OGC/Ethics will provide you with several tools to aid in the procedure:

- An event request form for external persons to complete when requesting the principal to attend their event. This form will provide you with the

information you need to either provide ethics advice or determine if you need additional information.

- Sample templates you may use to craft your ethics advice.
- Lobbyist gift ban guidance document: how to search for federally registered lobbyists and a cheat sheet for determining which gift exceptions are available.
- Examples of documents you may encounter while reviewing invitations such as invitation letters, completed event request forms, travel line-by-line, email threads.

Finally, implementation of this process will also involve training. We anticipate that you will provide training to your own employees who staff the Regional Administrator. These staffers need to understand the ethics issues that arise, why it's important that ethics review is integrated into the calendaring process, understand what they can and cannot do, and it will help establish an effective working relationship with you.

Okay! You're probably reading this and thinking, "Wow. This is big and will take some resources." You're right. If you are not currently staffing your principal in this way, then, OGC/Ethics recognizes that this may be a big change in your counseling practice. But, it's time and effort well spent now to minimize drama later as it avoids ethics pitfalls. Thank you in advance for helping the agency's ethics program create a more uniform and meaningful way to counsel our principals! OGC/Ethics will support you as you undertake these efforts.

#### TRAINING:

##### How to review events in which your Principal may want to participate

As we move into fall, Jennie Keith of OGC/Ethics will provide detailed and practical training via webinar on the most common ethics issues that arise when scheduling the principal, the factors that drive the outcome of ethics advice, important parameters, and best practices for effective relationships and processes. We expect this training to take 2.5 hours of time.

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6. Supporting ethics officials, principals and their staff as we embark on embedding ethics in the scheduling process; and
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ACTION: What you need to do right now

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Justina

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## ETHICS

## BASICS

**Prevention:** The goal of the EPA Ethics Program is to prevent ethics problems before they start. By engaging in ethics, knowing your obligations, spotting potential issues, and seeking advice when you're not sure about something, we can build and sustain a culture of ethical federal service. The EPA ethics officials are here to help you every step of the way, but we can't help if you don't ask!

**Advice:** If you provide all relevant details about a potential ethics issue to your DEO or ADEO in advance, and you rely on their advice, then you cannot be administratively disciplined for relying on it—even if it's wrong. This insulation from disciplinary action applies only if you get your advice from an ethics official in advance and only for non-criminal issues.

**Compliance:** If an ethics issue does arise, then the EPA Ethics Program will work with you to resolve the issue and achieve ethical compliance. If a violation of an ethics law or regulation has already occurred, then a supervisor may consider disciplinary action or the matter may be referred to the EPA Inspector General. The EPA Ethics Program has no independent investigatory or disciplinary authority.

## Ethical federal service should be a point of pride for all EPA employees.

The EPA Ethics Program works with all EPA employees to implement federal ethics laws and regulations. Every EPA employee plays a vital role in building and maintaining a culture of ethical federal service.

# Engage in Ethics

Protect the public trust at EPA

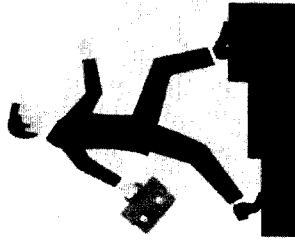
## Contact Us

EPA Ethics Helpline: (202) 564-2200

EPA Ethics email: [ethics@epa.gov](mailto:ethics@epa.gov)

[https://usepa.sharepoint.com/sites/OGC\\_Work/ethics/](https://usepa.sharepoint.com/sites/OGC_Work/ethics/)

# Steps to Ethics Engagement



## 14 Start With the 14 Principles

The Standards of Ethical Conduct for Employees of the Executive

Branch begin with fourteen general principles. As an executive branch employee, you must understand and apply these principles in your conduct.

### Spot Ethics Issues

Think about situations in which ethics issues might arise for yourself or your colleagues. Supervisors also have a heightened personal responsibility to serve as a role model for subordinates.

### Get Ethics Advice

Anytime you are unsure about whether or how an ethics rule or principle might apply in a particular situation, ask for ethics advice. Each EPA program office and region has a Deputy Ethics Official (DEO), and in many cases, an Assistant Deputy Ethics Official (ADEO), whose jobs are to provide you with ethics advice. To find your DEO and ADEO, use the DEO finder tool on the new EPA Ethics SharePoint site.

# 14 Principles of Ethical Conduct

**1** Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

**2** Employees shall not hold financial interests that conflict with the conscientious performance of duty.

**3** Employees shall not engage in financial transactions using non-public Government information or allow the improper use of such information to further any private interest.

**4** An employee shall not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties. (Limited exceptions apply.)

**5** Employees shall put forth honest effort in their performance.

**6** Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

**7** Employees shall not use public office for private gain.

**8**

**9**

**10**

**11** Employees shall disclose waste, fraud, abuse, and corruption to authorities.

**12** Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.

**13** Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

**14** Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part.

# ENGAGE IN ETHICS

INVITATIONS VETTING PROJECT

ETHICS@EPA.GOV / 202-564-2200

## Executive Summary

- Help prevent conflicts of interest and other ethics issues by embedding ethics review into the calendaring process for principals (principals = Acting Administrator, Deputy Administrator, Assistant Administrators, and Regional Administrators, certain Deputy Associate Administrators)
- Ensure principals' staff are alert to possible lobbying gift ban and recusal issues, as well as possible Hatch Act, travel and gift concerns
- Provide training to a variety of audiences during September 2018

## Implementation

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### Embedding Ethics

- Principals, their staff, and Deputy Ethics Officials (DEOs) work together to establish or re-establish process for incorporating ethics vetting of the principal's calendar
- OGC/Ethics will provide training and tools (e.g., event request form, sample templates for ethics advice, lobbying gift ban cheat sheet)

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### Training

- OGC/Ethics will provide several training sessions to HQ staffers, HQ ethics officials, and Regional ethics officials on embedding ethics into the calendaring process  
Estimated length of training: 2.5 hours
- Regional ethics officials will provide training to their Principal's staff in the regions  
Estimated length of training: 2.5 hours
- OGC/Ethics will provide training to the principals during the regularly-scheduled Monday senior staff meeting at 2pm EST  
Estimated length of training: currently, one 20-minute session
- OGC/Ethics will provide a separate training on the Lobbyist Gift Ban for all ethics officials  
Estimated length of training: 1.0 hour
- OGC/Ethics will create all training documents and tools

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### Ongoing efforts by OGC/Ethics

- Ensure a more uniform and consistent process for reviewing calendars across the Agency
- Encourage more cross-office coordination when principals travel together
- Continue to provide support and training as needed



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY


REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

January 10, 2018

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Onis "Trey" Glenn, III   
Regional Administrator  
Region 4

TO: E. Scott Pruitt  
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any significant financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

## OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **Blue Ridge Consulting, Inc.** and **STRADA Professional Services, LLC**, or any former client to whom I provided services during the past two years is a party or represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties.

RECUSAL LIST In effect until August 27, 2019	
FORMER EMPLOYERS: Blue Ridge Consulting, Inc. STRADA Professional Services, LLC	
FORMER CLIENTS:  Balch & Bingham, LLP Big Sky Environmental Black Mesa Energy Blue Ridge Partners, LLC Business Council of Alabama Conservatives with Courage Drummond Company	  MAP Development, LLC Matrix, LLC Maynard, Cooper & Gale, PC Regional Environmental Solutions STRADA-AECOM Joint Venture Stream Restoration Services Windom-Galliher

## OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

I am advised by OGC/Ethics that Executive Order 13770 defines "former employer" to exclude state or local government entities,<sup>1</sup> and the Office of Government Ethics has determined that the same exclusion applies to the definition of "former client."<sup>2</sup> But as an executive branch

<sup>1</sup> See Exec. Order 13770, Section 2(j), which provides that "'former employer' does not include ... State or local government."

<sup>2</sup> See Office of Government Ethics Legal Advisory 17-02 (February 6, 2017), which states that, "[w]ith respect to Executive Order 13770, ethics officials and employees may continue to rely on OGE's prior guidance regarding Executive Order 13490 to the extent that such guidance addresses language common to both orders," and Office of Government Ethics Legal Advisory DO-09-011 (March 26, 2009), which states that "based on discussions with the White House Counsel's office, OGE has determined that the definition of former client is intended to exclude the same governmental entities as those excluded from the definition of former employer."

employee, I understand that I am also subject to the federal impartiality standards and have a one-year cooling off period with any former client who is a state or local government. Therefore, I will not participate personally and substantially in any particular matter involving specific parties in which **the Birmingham Jefferson County Transit Authority (BJCTA)** or **the City of Birmingham, Alabama** is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). For federal ethics purposes, I understand that my recusal remains in effect for one year from the date that I last provided services to that client, and this federal ethics limitation does not extend to particular matters of general applicability, such as rulemaking. My recusal will end with regard to the city of Birmingham and BJCTA on March 8, 2018 and August 29, 2018 respectively. I will consult with OGC/Ethics should a situation arise in which I seek an impartiality determination to authorize my participation in a specific party matter involving the Birmingham Jefferson County Transit Authority or the City of Birmingham.

#### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to any of the entities listed above, I will instruct Blake Ashbee, Region 4 Chief of Staff, to assist in screening EPA matters directed to my attention that involve these entities. All inquiries and comments involving the entities on my recusal list should be directed to Blake Ashbee without my knowledge or involvement until after my recusal period ends.

If Blake Ashbee determines that a particular matter will directly involve any of the entities listed on my "specific party" recusal list, then he/she will refer it for action or assignment to another, without my knowledge or involvement. In the event that he/she is unsure whether an issue is a particular matter from which I am recused, then he/she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

#### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my recusal or screening arrangement, I will provide a copy of the revised recusal statement to you and OGC, including OGC/Ethics.

cc: Ryan Jackson, Chief of Staff  
V. Anne Heard, Deputy Regional Administrator, Region 4  
Blake Ashbee, Chief of Staff, Region 4  
Suzanne Rubini, Acting Regional Counsel, Region 4  
Leif Palmer, Acting Deputy Regional Counsel, Region 4  
John Sheesly, Regional Ethics Counsel, Region 4  
Justina Fugh, Senior Counsel for Ethics

**From:** Fugh, Justina  
**To:** [REDACTED]  
**Subject:** how to report [REDACTED]  
**Date:** Friday, August 25, 2017 11:42:00 AM

---

Hi Trey and [REDACTED],


In Part 2, [REDACTED]  
[REDACTED]  
[REDACTED]

Hang in there!

Happy weekend,  
justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A |  
Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground  
deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772





**From:** Fugh, Justina  
**To:** [REDACTED]  
**Cc:** Ross, Margaret  
**Subject:** more information about the financial disclosure report  
**Date:** Thursday, August 24, 2017 3:07:00 PM  
**Attachments:** [Adding a Designee.docx](#)  
[Distinctions between Reporting Transactions on the OGE 278 - January 201....docx](#)  
[Hatch Act chart February 2017.docx](#)

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Hi there,

Earlier this week, Margaret Ross of EPA assigned a "new entrant" report for Mr. Glenn, so you should have received that notification already. As a reminder, your new entrant report is required by the Ethics in Government Act of 1978 and is officially due no later than 30 days after you start at EPA. That said, until you complete the report, we won't have a handle on your possible conflicts issues and can't write a recusal statement for you, which may affect what you work on initially. We encourage you to fill out the report as soon as possible and know that you are motivated to do so! In order to designate [REDACTED] as a "designee" to assist with the form, Mr. Glenn will have to do that himself. Margaret has kindly attached directions and, if you have any questions, please let her know. She can do a virtual meeting with you to walk through the steps with you, or you can call her at 202 564 3221.

#### HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. So you are reporting the assets for yourself, your spouse and your dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation and amount of accrued investment income. The definition of "investment income" is NOT tied to what's taxable! You must report accrued income, even if tax deferred or exempt, that you got in the asset over the reporting period (which is last calendar year + this calendar year, up to the date of filing). Look at 1099 forms for the accrued income from investments or review your statements.
- Do not report federal salary, your spouse's federal salary, or Thrift Savings Plan
- But if you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- But if your spouse works outside of federal service, then include your spouse's employer

but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.

- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments, but do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button

#### OTHER ETHICS REQUIREMENTS FOR YOU

##### STOCK ACT

Because you are required to file the form, you are also now subject to the STOCK Act. You are required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. For a comprehensive review of reportable transactions, see EPA Ethics Advisory 2012-03 at [http://intranet.epa.gov/ogc/ethics/Ethics\\_Advisory\\_2012-03.pdf](http://intranet.epa.gov/ogc/ethics/Ethics_Advisory_2012-03.pdf) and our revised chart, also attached.

##### HATCH ACT

You will be "lesser restricted" under the Hatch Act. Please familiarize yourself with the Hatch Act as it affects you, and from the EPA intranet (inside the firewall), can gain a good overview by reviewing our online training course at <http://intranet.epa.gov/ogcrmo01/ethics.htm> or by referring to our attached handy chart that reminds you of your restrictions.

##### CONTACTS

Margaret Ross or I will be happy to help you with your 278e form. We can be reached at [ethics@epa.gov](mailto:ethics@epa.gov) or individually at:

Margaret Ross, Ethics Officer, [ross.margaret@epa.gov](mailto:ross.margaret@epa.gov) or 202-564-3221

Justina Fugh, Senior Counsel for Ethics, [fugh.justina@epa.gov](mailto:fugh.justina@epa.gov) or 202-564-1786

Good luck and don't get discouraged! We are happy to help!

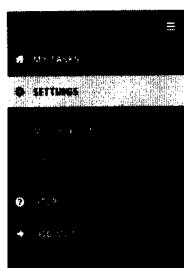
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-17

## From the Integrity User Guide

### 3.4.3 - Add a Filer Designee

Add a Filer Designee by selecting, first, 'Settings' and, then, "My Designees" from the left-side navigation menu on your primary window. The "My Designees" screen will appear to the right. Click the "Add a New Designee" button.



#### My Designees

Space is available to invite another designee to assist with your filing.

No designees have been invited.



A new screen will appear that contains fields to identify the designee. Complete those fields and click the "Save Designee" button.



LAST NAME	FIRST NAME	MIDDLE INITIAL	SUFFIX
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
ADDRESS LINE 1		ADDRESS LINE 2 (OPTIONAL)	
<input type="text"/>		<input type="text"/>	
CITY	STATE	COUNTRY	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
ZIP CODE (ZIP + 4 OPTIONAL)		TELEPHONE	
<input type="text"/>		<input type="text"/>	
EMAIL TO USE FOR INTEGRITY NOTIFICATIONS		CONFIRM E-MAIL TO USE FOR INTEGRITY NOTIFICATIONS	
<input type="text"/>		<input type="text"/>	
<input type="button" value="Save Designee"/> <input type="button" value="Cancel"/>			

Your Filer Designee will receive an email notification to set up the MAX User ID for this Filer Designee role.

# When to Report Transactions

This table's guidance is effective beginning January 1, 2013 and for informational purposes only. Email [ethics@epa.gov](mailto:ethics@epa.gov) for specific questions.

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Schedule B of the OGE 278?
<b>Transactions of \$1,000 or less</b>		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
<b>Your investment assets (or jointly held)</b>		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
<b>Your spouse's investment assets</b>		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
<b>Your dependent child's investment assets</b>		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
<b>Other investment assets irrespective of ownership</b>		
• Real Property	No	Yes <sup>1</sup>
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" <sup>2</sup>	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust <sup>3</sup>	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

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<sup>1</sup> You do not report the purchase or sale of your personal residence on Schedule B unless you rent it out at any time during the reporting period.

<sup>2</sup> To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

There are several types of investment vehicles that are not excepted investment funds, including (but not limited to) managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs). You should note that the individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. If you have questions about whether a particular asset or investment vehicle is an EIF, contact [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>3</sup> OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email [ethics@epa.gov](mailto:ethics@epa.gov).

## Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

Political activity means an activity "directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group."

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
<b>Personal (off premises and off duty)</b>			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day	Yes	Yes	Yes
Drive people to polling station on behalf of a campaign	Yes	Yes	No
<b>Affecting Official Resources</b>			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
<b>Fundraising</b>			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

\*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate;  
AD = Administratively Determined; SES = Senior Executive Service

**From:** Fugh, Justina  
**To:** [REDACTED]  
**Cc:** Trey Glenn; Ross, Margaret  
**Subject:** Re: how to report a [REDACTED]  
**Date:** Tuesday, September 05, 2017 10:48:42 AM  
**Attachments:** Screen Shot 2017-09-04 at 9.54.19 AM.png

---

Oh no! How frustrating! I know that they run maintenance on Sundays but possibly they did it on the holiday too. Have you tried again now that it's an official working day? I'm copying Margaret Ross who can get in touch with the appropriate help desk people with you.  
Justina

Sent from my iPhone

On Sep 4, 2017, at 10:57 AM, [REDACTED] wrote:

Justina,  
I planned to spend the day entering information. After logging in, the system locks up here:  
Please advise.

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

---

**From:** "Fugh, Justina" <Fugh.Justina@epa.gov>

**Sent:** Friday, August 25, 2017 10:42 AM

**To:** "Trey Glenn" [REDACTED]

**Subject:** how to report a [REDACTED]

Hi Trey and [REDACTED]

In Part 2, [REDACTED]

[REDACTED]

[REDACTED] Hang in there!

Happy weekend,

justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code

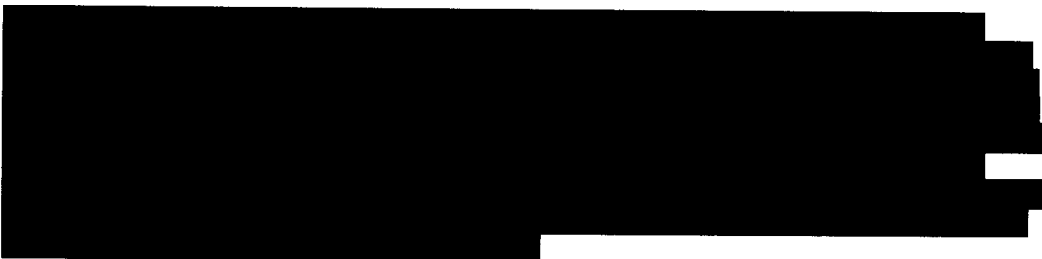


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564-1772

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**From:** [Fugh, Justina](#)  
**To:** [Ashbee, Blake](#)  
**Cc:** [Ross, Margaret](#); [Griffo, Shannon](#)  
**Subject:** RE: Mother Jones magazine query: Trey Glenn & 35th Ave  
**Date:** Monday, February 26, 2018 10:30:22 PM  
**Attachments:** [Trey Glenn's Recusal Statement.pdf](#)

---

Hi Blake,

Thanks for asking. To remind us about Trey's recusal, I've attached it. Shannon Griffo of Team Ethics drafted that, so I've copied her. Here are my thoughts about the questions that are ethics-related:

1) Did Mr. Glenn interact with the EPA on behalf of Balch or Drummond? What was the nature of his consulting work?

[REDACTED]

2) Has Mr. Glenn recused himself from any matter involving 35th Avenue? Has he taken any other steps to insulate himself from decisionmaking involving that site?

[REDACTED]

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Ashbee, Blake  
**Sent:** Monday, February 26, 2018 5:33 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>; Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>  
**Subject:** FW: Mother Jones magazine query: Trey Glenn & 35th Ave

See below. Thanks.

**From:** Lincoln, Larry  
**Sent:** Monday, February 26, 2018 11:27 AM  
**To:** Glenn, Trey <[Glenn.Trey@epa.gov](mailto:Glenn.Trey@epa.gov)>; Heard, Anne <[Heard.Anne@epa.gov](mailto:Heard.Anne@epa.gov)>; Ashbee, Blake <[ashbee.blake@epa.gov](mailto:ashbee.blake@epa.gov)>; Hill, Franklin <[Hill.Franklin@epa.gov](mailto:Hill.Franklin@epa.gov)>; Chaffins, Randall <[Chaffins.Randall@epa.gov](mailto:Chaffins.Randall@epa.gov)>; Rubini, Suzanne <[Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)>; Wise, Allison <[Wise.Allison@epa.gov](mailto:Wise.Allison@epa.gov)>

**Cc:** Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>; Jones-Johnson, Shea <[Jones-Johnson.Shea@epa.gov](mailto:Jones-Johnson.Shea@epa.gov)>  
**Subject:** Mother Jones magazine query: Trey Glenn & 35th Ave

For situational awareness.

The following media inquiry came into OExA a few minutes ago. Will need to coordinate with appropriate regional staff on proposed response to forward to OPA for approval.

Requested deadline is COB tomorrow.

Sent from my iPhone

Begin forwarded message:

**From:** Nick Schwellenbach <[nick@pogo.org](mailto:nick@pogo.org)>  
**Date:** February 26, 2018 at 11:00:00 AM EST  
**To:** [lincoln.larry@epa.gov](mailto:lincoln.larry@epa.gov), [Pinkney.James@epa.gov](mailto:Pinkney.James@epa.gov)  
**Cc:** Russ Choma <[rchoma@motherjones.com](mailto:rchoma@motherjones.com)>  
**Subject:** Mother Jones magazine query: Trey Glenn & 35th Ave

Hi Mr. Lincoln and Pinkney,

I am working on an article for Mother Jones magazine that addresses Regional Administrator Trey Glenn's prior consulting work on the 35th Avenue Superfund site for the law firm Balch & Bingham whose client was coal company Drummond.

My questions:

- 1) Did Mr. Glenn interact with the EPA on behalf of Balch or Drummond? What was the nature of his consulting work?
- 2) Has Mr. Glenn recused himself from any matter involving 35th Avenue? Has he taken any other steps to insulate himself from decisionmaking involving that site?
- 3) What is the status of EPA's proposal to put 35th Avenue on the NPL? Is EPA currently taking any steps to have potentially responsible parties pay for clean up efforts at 35th Ave? Or has that effort stalled? Are there other status updates at the site?
- 4) After the Justice Department made public its criminal charges against Alabama State Rep. Oliver Robinson for taking bribes to oppose the EPA's actions at the 35th Avenue site, Senior EPA Attorney Robert Caplan wrote in a June 23, 2017 email: "There are many concerns growing out of this situation that we will need to evaluate and monitor moving forward."

"Also, there could be implications that SF [the Superfund office] will need to evaluate."

Did opposition from Alabama state officials, including Robinson, affect the EPA's

decisionmaking about what to do with the 35th Avenue site, including placement on the NPL?

My deadline is close of business Tuesday.

Thanks in advance,  
Nick

--  
--

Nick Schwellenbach  
Director of Investigations  
Project On Government Oversight  
1100 G Street, NW, Suite 500  
Washington, DC 20005

(p) 202-347-1122

Remember POGO in the CFC: # 10785  
[www.pogo.org](http://www.pogo.org)

**From:** [Griffo, Shannon](#)  
**To:** [Benjamin, Deborah](#); [Fugh, Justina](#)  
**Subject:** RE: Trey Glenn  
**Date:** Tuesday, September 26, 2017 12:26:00 PM

---

We will definitely keep you in the loop Deborah.

Thanks,  
Shannon

Shannon Griffo  
Ethics Attorney  
Office of General Counsel, Ethics  
U.S. Environmental Protection Agency  
(202) 564-7061  
[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

**From:** Benjamin, Deborah  
**Sent:** Tuesday, September 26, 2017 12:19 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Subject:** RE: Trey Glenn

If and when you have something completed can you please keep me in the loop? Thanks

**From:** Fugh, Justina  
**Sent:** Monday, September 25, 2017 1:50 PM  
**To:** Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>  
**Cc:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Subject:** Re: Trey Glenn

We would if we could but he has not completed his financial disclosure report so we can't yet draft anything for him.

Sent from my iPhone

On Sep 25, 2017, at 10:30 AM, Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)> wrote:

Hi Justina:

Can you please forward to me Trey's recusal statement and any attendant memos you may have drafted re his participation in

specific party matters involving his former employer the State of Alabama? Thanks.

**From:** Fugh, Justina  
**Sent:** Monday, August 28, 2017 5:18 PM  
**To:** Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>  
**Cc:** Rubini, Suzanne <[Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)>; Tommelleo, Nancy <[Tommelleo.Nancy@epa.gov](mailto:Tommelleo.Nancy@epa.gov)>  
**Subject:** Re: Trey Glen's ethics briefing

Thanks! I'll be in my office, so we can skype from there. Just have someone call me via skype and I'll accept the video call.

Sent from my iPhone

On Aug 28, 2017, at 3:52 PM, Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)> wrote:

Hi...I just checked with Trey Glen's secretary. We can set up the call on the video teleconference system if you'll be in the office that day, or if you'll be doing the briefing from an alternate location we can set it up as a teleconference with no video capability. Please let me know what's going to work for your circumstances that day.

**From:** Fugh, Justina  
**Sent:** Monday, August 28, 2017 3:43 PM  
**To:** Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>  
**Cc:** Rubini, Suzanne <[Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)>; Tommelleo, Nancy <[Tommelleo.Nancy@epa.gov](mailto:Tommelleo.Nancy@epa.gov)>  
**Subject:** Re: Trey Glen's ethics briefing

Hi Deborah,

[REDACTED] Tomorrow, I'll send you the briefing materials and the ethics pledge for Trey to sign. Since I don't yet have full details on his recusal situation, I can't ask you to address financial conflicts. Really, I don't need you to present any of the discussion. What I do need, though, is to have you guys set up either an audio conference call or arrange for a Skype call. Either works for me.

Justina

Sent from my iPhone

On Aug 28, 2017, at 10:01 AM, Benjamin, Deborah  
<[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)> wrote:

Hi Justina:

This is to follow up on my previous emails below. I know you've been busy but I still haven't heard what, if anything, you'd like me to cover for Trey Glen's briefing. Please let me know by COB today. If I don't hear from you I'll just assume you are handling the whole briefing, in which case I won't be preparing to present any of it. Thanks

**From:** Benjamin, Deborah  
**Sent:** Wednesday, August 23, 2017 4:32 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: Trey Glen's ethics briefing

Hi Justina-

Now that the ethics briefing is scheduled for 10/31, 10am-11am, can you please clarify how you would like the briefing to go? Please let me know what, if anything, you would like me to cover. Thanks

**From:** Fugh, Justina  
**Sent:** Tuesday, August 22, 2017 4:01 PM  
**To:** Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>  
**Cc:** Rubini, Suzanne <[Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)>  
**Subject:** RE: Trey Glen's ethics briefing

Hi there,  
I actually talked to Trey Glenn earlier today, and should have a decent idea about his recusals fairly soon. He will definitely have some recusals. As for the briefing, I'm out of the office on Friday, 9/1, as is everyone else in my group. [REDACTED] so I just don't think I can even do the call from home. If it's not 8/31, then the best OGC/Ethics can do is 9/5.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Benjamin, Deborah  
**Sent:** Tuesday, August 22, 2017 11:53 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Rubini, Suzanne <[Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)>  
**Subject:** Trey Glen's ethics briefing

Justina:

I checked with Trey Glen's secretary and here is what she knows of his schedule right now. He arrives on 8/28 and will be leaving for travel that afternoon, returning the afternoon of 8/30. He is planning an all hands meeting 8/31 but we don't yet know what time. She thought Friday 9/1 would be best this week. The following week appears to be open. Please let me know your availability.

**From:** Benjamin, Deborah  
**Sent:** Monday, August 14, 2017 9:56 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Rubini, Suzanne <[Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)>  
**Subject:** RE: briefing sheet

Justina:

In light of Trey Glen's start date of 8/28/17, can you please let me know your availability for his ethics briefing? I will then schedule it with our participants in the region. Please let me know what if anything you would like the region to



cover.

**From:** Fugh, Justina  
**Sent:** Tuesday, July 18, 2017 6:48 PM  
**To:** Benjamin, Deborah <[Benjamin.Deborah@epa.gov](mailto:Benjamin.Deborah@epa.gov)>  
**Cc:** Rubini, Suzanne <[Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)>  
**Subject:** RE: briefing sheet

Hi Deborah,

I would expect OGC/Ethics to provide the new employee briefing for RAs, not the regional ethics counsel. One of the reasons is that we review their financial disclosure reports and get them to sign the ethics pledge. Typically, the region sets up the new employee briefing for OGC/Ethics (by phone or skype) and the regional ethics counsel can join and, at times, provide a portion of the briefing (though not the ethics pledge or the Hatch Act). I aim for the new employee briefing to be held in the first week, which is what we've done for the politicals we've brought on board here in HQ.

For your information, I've attached the briefing document that I use for the new political appointees but, again, I do not expect you (or really want you) to provide the briefing yourself.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Benjamin, Deborah  
**Sent:** Tuesday, July 18, 2017 3:49 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** briefing sheet

Justina:

**We expect our new RA to be arriving soon. If you have an updated ethics briefing sheet that**

includes info on ethics pledge EO 13770 can  
you please forward it? Thanks!